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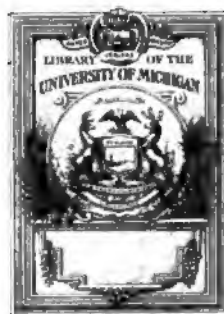
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**THE IOWA JOURNAL OF HISTORY  
AND POLITICS**





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AND POLITICS**



THE  
IOWA JOURNAL  
OF  
HISTORY AND POLITICS



EDITOR  
BENJAMIN F. SHAMBAUGH

PROFESSOR OF POLITICAL SCIENCE  
IN THE UNIVERSITY OF IOWA

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**THE IOWA JOURNAL OF HISTORY AND POLITICS**  
**JANUARY NINETEEN HUNDRED NINETEEN**  
**VOLUME SEVENTEEN NUMBER ONE**

**VOL. XVII—1**



## THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IN IOWA

[The following monograph on *The Speaker of the House of Representatives in Iowa* presents a phase of legislative history which is closely related to the researches published by The State Historical Society of Iowa as Volume III of the *Iowa Applied History Series* under the title of *Statute Law-making in Iowa*. It is hoped that a similar account of the President of the Senate may be prepared for publication in the near future.

A list of the Speakers of the House of Representatives, together with some information relative to the age, previous legislative experience, occupation, and party affiliations of each will be found on pages 47-51 below.—EDITOR.]

### I

#### HISTORICAL TRADITION OF THE SPEAKERSHIP

The Speaker of the House of Representatives in Iowa is a direct descendant of the Speaker of the English House of Commons. Along with the Common Law, America inherited also the English system of parliamentary law. Thus it is to England that one must look for the origin of the speakership.

While the earlier English assemblies must have had a presiding officer of some kind, it was not until 1377 that the term "Speaker" was used. In that year Sir Thomas Hungerford was formally assigned the title and position of Speaker of the House of Commons.<sup>1</sup> At first the minion of the crown, the Speaker gradually advanced until in the eighteenth century he attained his present impartial character.

<sup>1</sup> The name of Speaker was given to him because his chief duty was to "speak" for the Commons.—Hansard's *Parliamentary History of England*, Vol. I, p. 351, in Follett's *The Speaker of the House of Representatives*, pp. 3, 127.

In the American colonies, the status of the Speaker was based upon that of the seventeenth century Speaker of the House of Commons; but new conditions so altered and modified the position that there developed in America a very different parliamentary officer. Early colonial struggles between the representative assemblies and the Governors emphasized the importance of the principle that every deliberative assembly should be allowed the utmost freedom in the choice of its own presiding officer.

As a rule it was not because of his knowledge of parliamentary law or because of his ability as a presiding officer that the colonial Speaker was chosen: he was elevated to the office because he was an active leader of his party, with the ability to accomplish party purposes. He did not, by taking the chair, give up his rights as a representative: he spoke, voted, made motions, served on committees and exercised all the other prerogatives of a representative. His chief duties were the preservation of order and the enforcing of the rules. Essentially a political leader, he sometimes led movements in opposition to the government. Indeed, the position of the Speaker in colonial times has been compared to that of the Prime Minister of England, as contradistinguished from the Speaker of the House of Commons.<sup>2</sup>

Presidents of the Continental Congress and the Congress of the Confederation held the dual position of moderator and political leader. While the inherent powers of their office were not great, their influence as party leaders was far-reaching: they did not hesitate to make the position of parliamentary moderator subservient to that of political leader.

In 1787 the makers of the Constitution of the United

<sup>2</sup> Follett's *The Speaker of the House of Representatives*, Ch. I.



States conferred upon the House of Representatives the power of choosing its own Speaker.<sup>3</sup> It was undoubtedly their idea that he should be a political as well as parliamentary officer.

The original Territory of Wisconsin, established in 1836, was organized with a legislature of two houses. At the first meeting of the Territorial legislature the House of Representatives elected a Speaker to preside over their deliberations as a matter of course, although no provision for such an officer was made in the Organic Act. Two years later the same situation confronted the newly organized government of the Territory of Iowa: here, too, the House of Representatives organized by the election of a Speaker.

## II

### LEGAL STATUS OF THE SPEAKER IN IOWA

The Speaker of the House of Representatives in Iowa is not, in the strict sense, a constitutional officer, since the position is not definitely created nor election thereto specifically provided for in the Constitution of the State. In this particular the status of the Iowa Speaker is different from that of the Speaker at Washington. The national Constitution provides that "the house of representatives shall choose their speaker"; while the Iowa Constitution merely declares that "each house shall choose its own officers" without making any specific reference to a Speaker.<sup>4</sup>

<sup>3</sup> *Constitution of the United States*, Art. I, Sec. 2.

<sup>4</sup> *Constitution of the United States*, Art. I, Sec. 2; *Constitution of Iowa*, 1857, Art. III, Sec. 7. The States of the Union are equally divided in this respect. In just twenty-four of the forty-eight States is definite provision made in the organic law for the election of a Speaker of the House of Representatives. In twenty-three of the State constitutions provision is made that

Nor can the Speaker of the Iowa House be said to be a statutory officer. Indeed his statutory status is quite similar to his constitutional standing. He is recognized by the Code, but his office is not specifically created by law. Finally, there is no definite provision for this office in the rules of the House itself. Apparently the Speaker in Iowa owes his position to precedent alone.

When the First Legislative Assembly of the Territory of Iowa met in Burlington on the twelfth day of November, 1838, precedent alone governed the method of its organization. The Organic Act empowered the Governor to appoint a day and place for its meeting; but that instrument was silent on the subject of its organization. Indeed, the Organic Act contained no mention whatever of a presiding officer in either house. At the same time it must have been generally understood that the customary principles of deliberative assemblies were to govern, for both the Council and the House of Representatives organized in the usual manner without loss of time.<sup>5</sup>

The House of the First Legislative Assembly made an the House of Representatives "shall choose its own officers" in this or similar phrasing. In ten of these twenty-three State constitutions — and in this group Iowa is included — the Speaker is, however, recognized. Characteristic provisions of these constitutions which recognize the speakership without making definite provision for it are those making it the duty of the Speaker to sign all bills passed by the legislature; to canvass the official vote for Governor; and to act as Governor in case of the inability of that official and of the Lieutenant Governor.

In Massachusetts and Tennessee the Senate has an elective presiding officer. In Massachusetts he is called President and in Tennessee Speaker. This was true in Iowa until 1857, and in the Iowa upper house as in Massachusetts he was called President instead of Speaker. In Idaho there is a penalty fixed upon the members of the House if they fail to perfect their organization within four days after a quorum is in attendance. Kansas alone makes no mention in any way of a Speaker for the House of Representatives. Thus, in practically every State, the Speaker is either provided or recognized in the organic law; and he is in universal evidence throughout the Union.

<sup>5</sup> *Organic Act*, Sec. 4; see *Legislative Journals* for 1838–1839.

attempt to provide for a Speaker in the adoption of the following rule: "The House of Representatives shall choose by ballot one of their own number to occupy the Chair. He shall be styled Speaker of the House of Representatives."<sup>6</sup> Obviously this rule had nothing to do with the election of the Speaker in the session by which it was adopted, since its adoption followed the installation of that officer by several days. Nor was it operative at elections in later sessions. The Second Legislative Assembly did not (as is the practice to-day) adopt the rules of the preceding Assembly either before or after the permanent organization. And so the Speaker of this session, as at the previous session, was elected under no rules but those of general parliamentary law.

In the Second Legislative Assembly a committee was appointed "to prepare standing rules for the House".<sup>7</sup> This committee, it is evident, made rather extensive use of the rules of the national House of Representatives. Thus Rule I, as reported by them and as adopted by the Assembly, is almost identical with Section I of Rule I of the House at Washington — a rule which has been in force in that body since 1789, when it was adopted, and the form of which has not been changed since 1824. While this rule does not make provision for the election of a Speaker, it assumes that such an officer is to be elected.<sup>8</sup>

Rules I to X as adopted by the First Legislative Assembly were grouped under the heading, "TOUCHING THE DUTY OF THE SPEAKER", and Rule I read: "He [the Speaker] shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall

<sup>6</sup> *House Rules*, 1838-1839, Rule 1.

<sup>7</sup> *House Journal*, 1839-1840, p. 6.

<sup>8</sup> *House Manual and Digest*, 3rd Session, 63rd Congress, p. 269-n.

immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read." The wording of this rule has been preserved almost without change from that time to the present. Other references to the Speaker are found throughout the Rules of the House as well as in the Joint Rules.<sup>9</sup>

The Second Legislative Assembly also recognized the need for some statutory provision for the presiding officers of the two houses by the enactment of a statute which provided that "after the decision of all cases of contested elections, the Council shall proceed to elect a president", and "the House shall proceed to elect a speaker".<sup>10</sup> Under this statute the Speaker became a statutory officer. But these specific provisions of law were not retained in the *Code of 1851*, which provided simply that "when the above committee [Credentials] has reported, those who are reported as holding certificates of election from the proper authority shall proceed to the permanent organization of their respective houses by the election of officers."<sup>11</sup> Besides this provision, which has survived down to the present day, the *Code of 1897* also fixes the term of the Speaker and makes provision that he shall act as presiding officer in joint conventions of the House and Senate in case the President of the Senate is absent. Herein, too, is fixed the compensation of the Speaker's clerk and the Speaker's page.<sup>12</sup>

Undoubtedly the framers of both the Constitution of

<sup>9</sup> *House Rules*, 1839-1840, Rule 1, 1917, Rule 1.

<sup>10</sup> *Laws of Iowa*, 1839-1840, Ch. 66, Secs. 5, 10, p. 39.

<sup>11</sup> *Code of 1851*, Ch. 2, Sec. 8.

<sup>12</sup> *Code of 1897*, Ch. 2, Secs. 9, 13, 17, 23.

The President *pro tempore* of the Senate has in recent years presided as President of the Joint Convention for the inaugural of the Governor and Lieutenant Governor.

1846 and of the Constitution of 1857 intended that there should be a Speaker in the lower house of the General Assembly, since they imposed duties upon him. Thus the present Constitution provides that "every bill having passed both houses, shall be signed by the Speaker and President of their respective houses"; that "the returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly"; and that "if the President of the Senate . . . shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives."<sup>13</sup>

Thus it is seen that, although the position of Speaker of the House of Representatives in Iowa was not created by constitutional provision as was the office of Speaker of the national House, he is nevertheless given distinct recognition both in the Constitution and in the statute laws of the State.

### III

#### DETERMINING FACTORS IN THE ELECTION OF THE SPEAKER IN IOWA

The Speaker of the House of Representatives in Iowa is an important part of the machinery of State government. His real power is as great as his legal status is indefinite.

<sup>13</sup> *Constitution of Iowa*, 1857, Art. III, Sec. 15, Art. IV, Secs. 3, 19.—For corresponding provisions in the Constitution of 1846, see Art. IV, Sec. 16, and Art. V, Secs. 4, 19.

The Speaker formally complies with the requirement that he "open and publish" the returns of the election for Governor and Lieutenant Governor: he breaks the seal.

Through the privileges of committee appointments and recognition on the floor his influence is indeed tremendous. The office that is "considered second only to that of governor of the state" and really is "the most important in the General Assembly" should be given more general recognition.<sup>14</sup>

To gain a proper conception of the parliamentary and political status of the Speaker, attention must be given to the process by which he obtains his office. In the choice of its Speaker, the Iowa House is subject to no legal restriction; but a parliamentary custom which has its roots in State and national precedent requires that he shall be a member of the House itself. Thus the only essential qualifications are those required of all members of the House of Representatives: the age of twenty-one years, citizenship, and residence within the State.<sup>15</sup>

Various considerations enter into the choice of a Speaker. Some are selected because of their peculiar fitness for the position, or because of their personal popularity; others because of the circumstances of the situation; and still others because of their political opinions. While it is true that personality, knowledge of parliamentary law, and previous legislative experience are taken into consideration, probably the dominant determinant is the political slant of the candidate.

While sectional rivalry is not so pronounced in the General Assembly of Iowa as in the Congress of the United

<sup>14</sup> *The Register and Leader* (Des Moines), April 1, 1907; *Muscatine Daily Journal*, January 9, 1864; *House Journal*, 1907, p. 4. The Speaker of the national House is recognized as "the second political figure in the United States" and has been characterized as "the most interesting and important legislative officer in the American Commonwealth, if not in the world."—Bryce's *American Commonwealth* (1910 Edition), Vol. I, p. 142; Woodburn's *The American Republic*, p. 264.

<sup>15</sup> *Constitution of Iowa*, 1857, Art. III, Sec. 4.

States, it has nevertheless played a part in the election of Speakers.<sup>16</sup> Thus sectional interests were decisive in the election of the Speaker in the First Legislative Assembly. The membership of the House at that session was principally from the southern half of the State. Fifteen of the twenty-six members were from the four southern counties of Lee, Van Buren, Henry, and Des Moines; while four more were from Muscatine, Louisa, and Slaughter (now Washington).<sup>17</sup> William H. Wallace, of Henry County, was chosen Speaker. Party politics seems not to have been a determining factor in this election: both houses were Democratic, but each elected a Whig for presiding officer. The sectional factor was of more or less importance throughout the Territorial period; and while it has exerted some influence since then, it has seldom been of prime importance. There may be some significance in the fact that the first two Speakers after the removal of the capital to Des Moines — Stephen B. Shelledy of Jasper County, in the Seventh General Assembly, and John Edwards of Lucas County, in the Eighth General Assembly — were the first Speakers chosen from a county which was any considerable distance from the Mississippi River. The Speaker of the Ninth General Assembly was Rush Clark of Iowa City, the very place from which the capital had been removed.

The personal popularity of the candidate himself is

<sup>16</sup> A map of Iowa showing the distribution of Speakers by counties shows the great majority of them in the eastern half of the State, with the whole of northwestern Iowa (twenty-nine counties) represented by but one Speaker — Cunningham of Buena Vista in the Thirty-fifth General Assembly. Polk and Woodbury, the counties in which are situated the two largest cities of the State — one of them the capital — have neither one succeeded in securing the speakership. The city of Dubuque has not furnished a Speaker since Iowa became a State, and Davenport not since the very early State period, yet Waterloo has furnished three of Iowa's Speakers.

<sup>17</sup> Reid's *Thomas Cox*, p. 78; *House Journal*, 1838-1839, p. 14.

oftentimes a strong factor in the selection of a Speaker. Always an important consideration, it is occasionally the deciding influence in the choice of a particular man. Personality loomed large in the election of Edward Johnstone in the Second Legislative Assembly. He was easily the most commanding figure of the session. Over six feet tall, "he had a face evidencing great culture, ever bright and intelligent, a head in keeping with his stalwart form and a manner dignified, courtly and most impressive." Known as a successful young lawyer, he had served as a clerk in the Wisconsin legislature in 1837. "To his surprise he had hardly stretched his long legs under the primitive desk in the Assembly's first capital — before his future colleagues, taking him at his face-value, elected him speaker of the House!"<sup>18</sup>

Thomas Cox of Jackson County, Speaker of the Third Legislative Assembly, also owed his election partly to his popular standing among his fellow members — as well as to his previous legislative experience. In Illinois he had been State Senator from 1818 to 1820; while in the Territory of Iowa he had received votes for Speaker at both of the previous sessions as well as at the extra session. Warner Lewis, who was not a fluent talker, was "nevertheless always listened to with attention, for his friendships were so sincere, his amiability so admired, his sincerity so admitted that he always commanded respect."<sup>19</sup>

"Honest John" Edwards, of Lucas County, Speaker of the Eighth General Assembly, may be included among those chosen because of personal charm. He was characterized as "so genial and popular in his manners, so well-informed in parliamentary law, and so well and favorably known

<sup>18</sup> *Iowa Historical Record*, Vol. IX, p. 490; Brigham's *Iowa, Its History and Its Foremost Citizens*, Vol. I, p. 125.

<sup>19</sup> *The Annals of Iowa* (Third Series), Vol. XII, p. 118.



over the State, that he had no opposition in the party caucus." There was a "fighting minority" in this session and Edwards was chosen, so it was claimed, because "it was a matter of much moment to have a presiding officer who united a thorough knowledge of parliamentary rules, with energy of character to enforce them, on all occasions." Undoubtedly Speaker Edwards was well acquainted with parliamentary law; but when it came to enforcing the rules and controlling a "filibuster" session, he was a failure — for which ill health may have been responsible.<sup>20</sup>

Rush Clark of Iowa City was very popular among his contemporaries in the General Assembly, and probably not a few of the votes cast for him as Speaker of the Ninth General Assembly in 1862 were given because of personal admiration. Of Jacob Butler, Speaker of the House in 1864, it was said: "His eminent fitness for the position, more than any efforts of his friends or himself, put him in the front rank at the very first talk about the organization of the House, and the more his merits were canvassed the stronger became the conviction that he should be placed in this responsible and honorable position".<sup>21</sup> But it was left for James Wilson in 1872 to be "the man in whose hand the gavel of the House has for the first time in the history of the State been placed by the cordial consent of all the members of his own party".<sup>22</sup> John Y. Stone, of Mills County, Speaker of the Seventeenth General Assembly, received ninety-four votes for Speaker out of ninety-nine votes cast. He received "the [hitherto] unequalled Iowa compliment given him by his own party in nominating him as Speaker by acclamation" and the "nearly unanimous

<sup>20</sup> *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1886, p. 22; *Daily Iowa State Register* (Des Moines), January 18, 1860.

<sup>21</sup> *Muscatine Daily Journal*, January 9, 1864.

<sup>22</sup> *Iowa State Weekly Register* (Des Moines), January 10, 1872.

vote of the Democratic members for his election.”<sup>23</sup> Lore Alford was also nominated by acclamation of his party as Speaker of the Eighteenth General Assembly.<sup>24</sup>

The Speaker of the Twenty-first General Assembly, Captain Albert Head, was referred to as “its best man”, although his election turned upon a definite political issue. W. O. Mitchell, chosen by the Twenty-fourth General Assembly, was a man who stood high in the estimates of his fellows. “An old soldier, but still a young man; a lawyer, but closely identified with the farming interests of the state; a natural leader, without imperiousness, he is well qualified for the position.” The leadership of the House in 1902 was given to Willard L. Eaton of Mitchell County largely because of the splendid record he had made in the Twenty-eighth General Assembly of 1900.<sup>25</sup>

The election of Arch W. McFarlane as Speaker in 1919 was a tribute to his genuine ability and his work in the previous session. In 1917 he had served as Speaker *pro tempore*, and exerted his influence for progressive legislation. The return to the House in 1919 of the majority of the “progressive” faction of 1917 assured him generous support. There are few instances on record of the Speaker *pro tempore* of one session being Speaker at a later session. N. E. Kendall and H. W. Byers were promoted in this way although Kendall was not elected Speaker until several years after he served as Speaker *pro tempore*.

George W. Clarke, of Dallas County, one of the few men who have served as Speaker during two regular sessions of the House, was slated for the position long before the ses-

<sup>23</sup> *Iowa State Weekly Register* (Des Moines), January 18, 1878; *House Journal*, 1878, p. 7.

<sup>24</sup> *Iowa State Weekly Register* (Des Moines), January 16, 1880.

<sup>25</sup> *Iowa City Daily Republican*, January 14, 1886; *The Iowa State Register* (Weekly, Des Moines), January 15, 1892.

sion of the Thirtieth General Assembly opened. A Des Moines newspaper, at the opening of the session, said: "There never has been any doubt that George W. Clarke of Adel will be elected speaker of the house for the coming session." He merited the confidence of his colleagues, for at the end of his first session as Speaker it was said that "no word of criticism ever has been heard of him", and he was said to be "the best speaker the house has had for fifteen years." Perhaps the reason for his second election as Speaker was due to his outstanding success, coupled with the unusual circumstance that the membership of the Thirty-first General Assembly was exactly the same as that of the Thirtieth, in consequence of the adoption of the biennial election amendment in 1904.<sup>26</sup>

Military prestige has also played a part in some of the elections to the speakership. Thomas Cox served in the War of 1812 and in the Black Hawk War. General Warner Lewis had also seen service in the Black Hawk War. James M. Morgan gained his title of "General" by "gal-lant and meritorious service in the Boundary war with Missouri." General Jesse B. Browne had seen military service. Captain Albert Head, Colonel Shelledy, W. O. Mitchell, and others were old soldiers.<sup>27</sup> This factor was decisive in the election of Speaker in the Eleventh General Assembly in 1866. There were two leading candidates — Ben Darwin and Ed Wright. "At first the honors seemed tending toward the great lawyer [Darwin], but when it was discovered that forty-three of the one hundred members had recently doffed the blue uniform, there was a sudden

<sup>26</sup> *The Register and Leader* (Des Moines), January 8, April 12, 1904, January 8, 1906.

<sup>27</sup> Reid's *Thomas Cox*, Chs. II, V, and VI; *Iowa Historical Record*, Vol. IV, p. 142; Brigham's *Iowa, Its History and Its Foremost Citizens*, Vol. I, p. 166; *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1894, p. 65, 1907, p. 42.

rallying to the standard of the tall form of the gallant General." His military record proved no advantage to W. P. Wolf, however, in his contest with G. R. Struble for the speakership in the Nineteenth General Assembly.

The causes which have determined the election of Speaker have varied from session to session. John Russell was probably given many votes because of his unquestioned superiority in parliamentary law and his efforts to secure more perfect rules in the House. Ed Wright, too, was "a perfect cyclopedia of information upon parliamentary law", and was often called on by Speakers to straighten out parliamentary tangles. More lawyers have served as Speaker than any other one class; but there is a feeling in Iowa that the farmers should receive their share of speakership honors.<sup>28</sup> James Wilson is remembered as the successful "farmer speaker" of Iowa. The election of Albert Head in 1886 was spoken of as "a victory for the farmer or anti-monopoly element of the Republican party over the railroad interests"—although Head himself was not a farmer. W. O. Mitchell was hailed as "the first farmer speaker since the Hon. James Wilson graced the speaker's chair some twenty years ago". Milton B. Pitt, Speaker of the House in 1917, was declared to have "no other business than that of farming." Arch W. McFarlane was alleged to be an "open and avowed enemy of the farmers"—an allegation which is unimportant except that it indicates the recognition of a farmer interest in the election.<sup>29</sup>

<sup>28</sup> This attitude is revealed in the following newspaper paragraph: "It looks as if handicraft was faring pretty well in Iowa just now. A harness-maker is Senator-elect, a shoemaker is Speaker-elect, and a jeweler has just been inaugurated Governor. The farmers should see to this."—*Iowa State Weekly Register* (Des Moines), January 20, 1882.

<sup>29</sup> *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1886, p. 22, 1894, p. 65; *Iowa City Daily Republican*, January 14, 1886; *Iowa Official Register*, 1886, p. 18; *The Iowa State Register* (Weekly, Des Moines), January 15, 1892;

The election of J. H. Funk as Speaker of the Twenty-seventh General Assembly was spoken of as "first of all a recognition of his services in the interests of the tax payers." Willard L. Eaton was unsuccessful in his fight for the office in the Twenty-eighth General Assembly because "he courageously based his whole campaign upon the organization of the house by the representatives who favored the nomination of Hon. A. B. Cummins for senator. It is conceded that Mr. Eaton would have been nominated for speaker if he had not made the senatorship the sole issue". Paul E. Stillman said in 1911: "My candidacy for the speakership has been based squarely upon the principle that no committee chairmanship or other favors within the gift of the chair should be promised or in any way discounted or pledged in advance . . . and if I am elected, it will be because this idea has found favor with the membership of the house." After the election of a Speaker in 1917, one of the prominent members of the House declared: "The election of Mr. Pitt for speaker may be regarded as an indication of the strength of sentiment for road law revision in the house".<sup>30</sup>

*The Des Moines Register*, January 7, 1917, January 11, 1919. Mitchell was also the first native Iowan to be Speaker of the Iowa House.

<sup>30</sup> *The Iowa State Register* (Weekly, Des Moines), January 14, 1898, January 12, 1900; *The Register and Leader* (Des Moines), January 5, 1911; *The Des Moines Register*, January 10, 1917.

The press of the State, and especially of the city of Des Moines, takes an active interest in the election of Speaker. Usually they do not openly take sides in the controversy in their pages. But in the campaign of 1900 *The Iowa State Register* was strong in its support of Eaton, who was beaten by Bowen, and criticised severely the "political deals" of Mr. J. E. Blythe, the opposition leader.—*The Iowa State Register* (Weekly, Des Moines), January 12, 1900.

Even the foreign language newspapers of the State are interested in the election of Speaker. While the only comment one of them made in 1884, when the election resulted in a triangular vote of fifty, forty-one, and seven, was "ziemlich knapp"; the same paper said four years later: "Wer Sprecher des Hauses werden wird ist schwer zu sagen, an Kandidaten fehlt es aber nicht.

One element of not inconsiderable importance in the choice of Speaker is the anxious interest of individual members and of business forces. Private benefit or public recognition may come to a member through the election of some candidate he favors; and favorable legislation may result from the support of a corporation. In a close struggle, hard work and substantial inducements may swing the election. The candidate himself has opportunity to gain votes by preëlection promises. Often a formidable opponent may be won over by the promise of an important chairmanship. Governor Gear was criticised in the newspapers in 1880 for engaging in the contest over the speakership with the "long-headed view of advancing his chances of strength for the United States Senate in the future." The Speaker of the Thirty-seventh General Assembly doubtless owed his election in part to the active support of Governor Harding. In the bitter contest within the Republican party for the speakership of the Twenty-eighth General Assembly, charges of corporation influence were made, and the Bowen men were openly called "trust organs". During the contest for the position of Speaker in the 1915 session "charges that corporation influence, the liquor interests and various other so-called insidious influences were at work for this candidate or that were passed back and forth but did not become serious issues. The really prominent and determining factor was the personal influence which workers on both sides were exerting upon their friends."<sup>81</sup> Tardy charges of corporation influence were circulated in

Hoffentlich wird es nicht ein rabiater Fanatiker sein".—*Iowa Staats-Anzeiger* (Des Moines), January 18, 1884, January 5, 1888.

<sup>81</sup> *Iowa State Weekly Register* (Des Moines), January 16, 1880; *The Iowa State Register* (Weekly, Des Moines), January 12, 1900; *The Register and Leader* (Des Moines), January 9, 1915. In 1896 the Iowa Federation of Building and Loan Associations was active in support of H. W. Byers for Speaker.—*House Journal*, 1897, p. 511.

the 1919 campaign; but little heed seems to have been given them.

The qualities which should be possessed by a Speaker were summed up by Representative Teter, of Marion, in nominating N. E. Kendall for Speaker of the House of the Thirty-second General Assembly. He should be "broad enough to forget the while that he is a partisan. He should be liberal; yet, consistent, conscientious and fearless. He should be slow of decision; yet, steadfast in purpose and devoted to the faith of conviction. He should be conservative; yet, progressive in the leadership of men and affairs." Representative Rube McFerren in placing Milton B. Pitt before the session of 1917 declared that the Speaker should have ability, wisdom, honor, courage, and patriotism.<sup>32</sup>

But after all the office is primarily political and "the choice of a Speaker depends less upon his qualities as a moderator, his experience as a public man, and his personal character, than upon the complex interplay of political factions striving for mastery in their own party."<sup>33</sup> For it must be remembered that as a rule in Iowa one party or the other has been supreme. In the early days the Democrats had sufficient strength to enable them to select their own Speaker. At some few sessions there has been a rather even balance between parties. Of late years, however, the Republican party has been so much superior in numbers that a nomination by the party caucus has virtually meant an election by the House. Indeed, from the session of 1856-1857 down to the present every Speaker but one — John T. Hamilton in the Twenty-third General Assembly — has been a Republican. There is, of course, always some danger of one faction of the majority party uniting with the mi-

<sup>32</sup> *House Journal*, 1907, p. 5, 1917, p. 7.

<sup>33</sup> Follett's *The Speaker of the House of Representatives*, p. 33.

nority party to elect a Speaker. Such a course is often predicted, and one faction may use it as a threat to secure recognition. It seldom happens, however, that such a coalition occurs. In the organization of the House of the First General Assembly the members from Lee County held the balance of power. By a large non-partisan vote three Whig and two Democratic representatives had been elected from that county, the "regular" Democratic candidates being defeated. To secure the solid vote of this delegation in the election of United States Senators and Supreme Court Judges, the Democratic House elected Jesse B. Browne of Lee County, a Whig, as its Speaker. In 1874 the Independents were so divided between the two parties as to create a deadlock. The election of Speaker Pitt in 1917 was not only partisan, but factional.<sup>34</sup>

#### IV

##### THE CHOICE OF SPEAKER IN THE PARTY CAUCUS

The election of a Speaker by the House in legislative session has become little more than a form: the real election occurs in the caucus of the majority party before the session opens. Thus the House does not, strictly speaking, choose its Speaker: the majority party dictates who shall preside.

The party caucus has existed in Iowa practically from the organization of the Territory. True, it played no part in the election of William H. Wallace as Speaker of the First Legislative Assembly; for in that session the vote was purely sectional and distinctly non-partisan. But the election at the following session was undoubtedly the result of

<sup>34</sup> *Iowa City Standard*, November 11, 25, 1846; *The Annals of Iowa* (First Series), Vol. X, p. 203; *Iowa State Weekly Register* (Des Moines), January 16, 1874.



political forethought, although the caucus was probably more or less informal and had nothing of the perfection of organization which characterizes it to-day. Unfortunately the newspapers of this period gave little comment on the elections in the legislature — being chiefly concerned with the disposition of the public printing. Moreover, the party caucus of this period was a secret affair: newspaper reporters were not freely admitted as they are to-day. It appears, however, that some interest was taken in the election of Speaker before the session opened; and it is a tribute to the power of the Speaker that we find an editor canvassing for the election of a particular candidate in order to secure the public printing. The following statement appeared in one of the Burlington papers during the session of the Second Legislative Assembly: "A few weeks since the editor of the Gazette was charged in this paper with having written to members of the Legislature, in order to influence them to vote for the present incumbent as speaker. It was done through the representations of those who we supposed knew all about the matter." The editor admitted that he knew nothing personally of the matter except in one instance. It is significant, however, that later in the session the *Hawkeye* was awarded the printing of the *House Journal* — with two members, one of whom was Speaker Johnstone, voting in the negative.<sup>25</sup>

It is a far cry from the caucus (if it may be called such) of that session to the highly developed and efficiently responsible machine of the present. To-day it is the usual thing for letters to be written urging members to vote for certain candidates for Speaker, and attempting to secure their pledges so to do. In 1917 at least one of the candidates carried on an extensive campaign by mail and secured

<sup>25</sup> *The Annals of Iowa* (First Series), Vol. III, p. 449; *Hawkeye and Iowa Patriot* (Burlington), November 28, 1839, January 16, 1840.

pledges of support from all parts of the State. Much personal campaigning is done by the friends of the various candidates weeks before the session opens, and the ten days previous to the session are busy ones at the Savery Hotel, which has been political headquarters for years — where the lobby and parlors are full of political workers whipping members into line for the party caucus. The appearance of this body of men convinces one that the Iowa House may be described as has been the national House: "An aggregation of vigorous elements, having different objects, antagonistic notions, and selfish interests, centered about indefinite party policies and moved by personal, political, and sometimes patriotic purposes."<sup>36</sup>

A bona fide caucus, organized for the purpose of selecting officers for the two houses of the Legislative Assembly, appeared in 1841.<sup>37</sup> At that session the Democrats held a "midnight caucus" (which adjourned before ten o'clock) "for the purpose of agreeing upon candidates to be supported by them for the offices of either house".<sup>38</sup> Two years later the Whigs had no regular candidate and it was left to the House to decide who should be Speaker. The election

<sup>36</sup> *The Des Moines Register*, January 2, 1917; Alexander's *History and Procedure of the House of Representatives*, p. 27.

<sup>37</sup> Just when the plan of the party members of both houses meeting in one caucus was abandoned for the present method of the members of each House holding their own caucus is not certain; but the latter plan has been followed for some time — at least since 1860.— *Daily Iowa State Register* (Des Moines), January 10, 1860.

<sup>38</sup> *Iowa Capitol Reporter* (Iowa City), December 18, 1841. Of the effectiveness of this first party caucus a recent writer says: "That they were eminently successful in electing their slate is evident from the stinging condemnation by the Whigs". The Democrats, upon being criticised, called their action a "wise and prudent one" and claimed that "the custom of thus meeting and agreeing upon a course of conduct, is one which prevails in nearly if not quite every State in the Union; and with 'Whigs' no less than with Democrats."— *Statute Law-making in Iowa in the Iowa Applied History Series*, Vol. III, p. 32; *Iowa Capitol Reporter* (Iowa City), December 18, 1841.

turned wholly upon local principles. But from that time to the present, the party caucus has been a regular feature of the legislative session.<sup>39</sup>

The first newspaper publicity of the party caucus for the selection of legislative officers appeared in 1860. Up to that time there had been no newspaper accounts of the transactions of this interesting body. Indeed, although caucuses were regularly held, the newspapers gave no substantial report of their proceedings until 1874. During the contest of that year rather full accounts were given of the daily caucuses which were held.<sup>40</sup> Since 1890 full accounts of the party caucus have been given, with the votes on the separate ballots. This rule has been violated but once, namely, in 1900 when "newspaper men were excluded from the caucus for the first time in Iowa Republican history".<sup>41</sup>

Candidates for the speakership announce their candidacy months before the session of the General Assembly opens. Indeed, during each session there is some talk of who will be the Speaker at the next session. Sometimes the situation is fairly well settled two years in advance; so that occasionally a candidate will announce himself at the close

<sup>39</sup> *Iowa Capitol Reporter* (Iowa City), December 9, 1843.

That caucus methods were rather well known in Iowa at an early date is evidenced by the fact that when the Grand Lodge of Iowa, A. F. and A. M. met in Iowa City in January, 1846, while the legislature was in session "the Masonic members of the legislature held a caucus and made up what in later days is called a 'Slate', or list of officers and elected them over those upon whom the choice of the members would otherwise have fallen"; thereby electing their own Speaker — McCleary — Grand Master.— Morcombe's *History of Grand Lodge of Iowa, A. F. and A. M.*, Vol. I, p. 260.

<sup>40</sup> There was agitation at this time for a joint caucus of the two parties, but nothing came of it.— *Iowa State Weekly Register* (Des Moines), January 23, 1874.

<sup>41</sup> *Daily Iowa State Register* (Des Moines), January 10, 1860; *Muscatine Daily Journal*, January 9, 1864; *Iowa State Weekly Register* (Des Moines), January 15, 1868; *The Iowa State Register* (Weekly, Des Moines), January 12, 1900.

of a session. In 1907 it was known that Speaker Kendall did not expect to return in 1909, and so toward the end of the session there was considerable discussion of who would be his successor. Several names were considered but no candidacies were announced; indeed no mention was made of the man who in fact became Speaker two years later. At the close of the Thirty-third General Assembly Representative Klay of Sioux County "announced his candidacy for the speakership of the Thirty-fourth and asked for the support of his friends." Fremont E. Shortess of Traer was a candidate for Speaker of the Thirty-seventh General Assembly before the primary election of June, 1916, and there was at least one other man in the field ahead of him.<sup>42</sup>

The candidates usually appear in Des Moines several weeks before the opening of the session to make arrangements for their campaign. Shortess arrived in Des Moines on the thirtieth of December, 1916, and was closely followed by the other candidates. Prior to 1919 each candidate had his headquarters in the Savery Hotel. In 1917 Shortess, Pitt, Elwood, and Neff each occupied one or two parlors for headquarters at the Savery during the week of the campaign. Each candidate gathers around himself the supporters of his candidacy and the fight begins. In 1917 M. B. Pitt had, by January 4th "his pledged backers . . . industriously engaged in adding to their number from the straggling arrivals." Mr. Pitt also "enlisted the services of Almor Stern, a political worker of many years experience in Harrison county and a fellow townsman of the candidates, and E. L. Hogue of Monona county is also initiating the new members to the Pitt creed."<sup>43</sup> In 1919

<sup>42</sup> *The Register and Leader* (Des Moines), April 1, 1907, April 10, 1909; *The Des Moines Register*, January 1, 2, 1917.

<sup>43</sup> *The Des Moines Register*, January 1, 4, 1917.

That not a little interest is taken in the contest in the caucus, witness the

Judge W. S. Withrow of Henry County, accompanied by a delegation of prominent Henry County men, was in Des Moines during campaign week, actively working in behalf of F. S. Finley for Speaker. And after the election, Speaker McFarlane credited his "uncommonly successful campaign" largely to former Congressman Charles E. Pickett, of Waterloo, who had been his campaign manager. Pickett was instrumental in the election of W. I. Atkinson in 1915, also.

Campaign week is filled with political activities. Members cultivate candidates with an eye to future places on committees. Frequently the candidates have offered committee chairmanships in exchange for support, although sometimes they have announced that no such promises would be made. Stillman denied that he had made any pre-caucus promises. During this week combinations among candidates are sometimes made. The weaker candidacies are withdrawn, leaving but one or two candidates in the field.<sup>44</sup>

The number of candidates varies. In 1909 eleven members came forward as candidates — Darrah, Feely, Hackler, Harding, Larrabee, Lee, Meredith, Marston, Sullivan, Stillman, and White — and ten of them received votes in the caucus. In the 1917 caucus only four men received votes for Speaker — Pitt, Elwood, Shortess, and Neff. Sometimes the contest is between only two or three members. There

following: "The speakership campaign has proved an attraction that has drawn to Des Moines within the last few days many former Iowa statesmen, several editors, and many politicians."— *The Register and Leader* (Des Moines), January 9, 1915.

<sup>44</sup> *The Register and Leader* (Des Moines), January 5, 1911. In the caucus preliminaries of 1894, one candidate withdrew; and told Stone that "he did not wish to ask anything for himself, but made a strong recommendation for two of his friends who had stood by him".— *The Iowa State Register* (Daily, Des Moines), January 6, 1894.

were three in 1915; but two were left out of seven in 1913; and only one candidate remained in the Republican caucus in 1919. Sometimes a man will secure promise of considerable support on the second ballot; and unless a selection is made on the first ballot, he stands a good chance of being chosen. McFarlane claimed he would win on the second ballot in 1917, but Pitt was elected on the first.<sup>45</sup>

The Republican caucus is customarily held on the Saturday morning preceding the opening of the session on Monday. In earlier days the caucuses of both parties were held following the adjournment of the first day's session, either in the afternoon or evening. The Democrats still hold their caucus on Monday, the first day of the session, but in the morning, before the session opens. The Republicans departed from the custom of a Monday night caucus in 1896, when it was held on the Saturday night preceding the session, in the chambers of the State House. In 1898 it was proposed to have the meeting on Friday night, so the members could go home over Sunday. "The customary method of settling the time is to circulate a call and have the participants sign it. The wishes of the candidates usually determine the time." The caucus is usually held in the morning. In 1915 it met in the Savery Hotel at ten A. M.; and in 1917 the meeting opened at eleven A. M. The Savery Hotel has been the regular meeting place for the caucus.<sup>46</sup> In 1919 caucus headquarters were changed to the

<sup>45</sup> *The Register and Leader* (Des Moines), January 4, 10, 1909, January 12, 1913, January 10, 1915; *The Des Moines Register*, January 5, 7, 1917.

<sup>46</sup> *Iowa State Weekly Register* (Des Moines), January 15, 1868; *The Register and Leader* (Des Moines), January 14, 1907, January 11, 1913, January 5, 9, 1915; *The Des Moines Register*, January 6, 1917; *The Iowa State Register* (Weekly, Des Moines), January 7, 1898. In 1906 it was on Saturday, in 1907 on Friday, and in 1915 and 1917 on Saturday.—*The Register and Leader* (Des Moines), January 12, 1907, January 9, 1915; *The Des Moines Register*, January 6, 1917.

Chamberlain Hotel, due to the fact that the Savery was being re-built.

The call for the caucus at which the Speaker is elected is the official means by which the body is assembled. It is circulated among the members by some person prominent in legislative circles, and is usually signed by all participants.<sup>47</sup> The following "call", used in the Thirtieth General Assembly, which met in 1904, is typical:

The members of the house of representatives will meet in caucus at the club room of the Savery hotel on Friday afternoon, January 8, 1904, at 2:30 o'clock, for the purpose of nominating candidates for positions to be filled in the house organization and for the transaction of such other business as may properly be considered.<sup>48</sup>

In 1911 the standpatters refused at first to sign the call because they objected to the inclusion of the clause: "and to transact any other business that may come before [the] caucus." They especially objected to the naming of a session caucus committee by the organization caucus. They did not want the question of organizing the House tangled with the election of United States Senator. Rather than agree to a senatorial caucus, it was said that they would bolt the party and help elect a Democratic Speaker. Indeed, it was rumored that the Democrats would elect a standpat Speaker in return for a committee on committees. The progressives yielded on the point of naming the caucus committee for the session. In 1913 one standpat member — Mr. Stipe — refused to sign the call because of the same alleged objectionable feature, but later, probably on the advice of Governor Carroll, he signed it. In 1915 seventy-five Republican

<sup>47</sup> *The Register and Leader* (Des Moines), January 11, 1913, January 5, 1915. In 1911 the call was circulated by C. R. Benedict, Chief Clerk of the House during the preceding session.— *The Register and Leader* (Des Moines), January 7, 1911.

<sup>48</sup> *The Register and Leader* (Des Moines), January 8, 1904. It was understood that this applied only to Republican members.

members of the House were eligible to sit in the caucus. Representative Ball, an independent, sought participation in the caucus, but the members of the Atkinson faction were in the majority and kept him out. It was known that he was a Barry supporter.<sup>49</sup>

The arrangements for the caucus and its management are usually attended to by the Chief Clerk of the House of the preceding session. He, at the direction of the candidates for Speaker, chooses some member to act as chairman of the organization caucus. Thus in 1915, T. F. Griffin of Woodbury County, was "selected by former Chief Clerk A. C. Gustafson, at the direction of the three candidates involved, as chairman." Griffin served again in 1917 and 1919. His own vote had not been pledged to any of the candidates. In 1907 J. H. Lowrey of Calhoun County acted as caucus chairman. In 1913, H. A. Huff, a candidate who had withdrawn, was chairman. He had refused to swing his support or name a preference. In 1909 the only third term member — Representative Welden of Hardin County — was made chairman. Two secretaries are chosen from the membership of the caucus.<sup>50</sup>

The selection of a candidate for Speaker is the most important duty of the House caucus. But the other officers, the Speaker *pro tempore*, and the member to call the House to order at the opening of the session are chosen by the same body — although it is understood that the senior member from Polk County will be named to call the House to order. After the caucus is called to order and organized the members proceed immediately to the election of Speak-

<sup>49</sup> *The Register and Leader* (Des Moines), January 7, 8, 1911, January 11, 1913, January 9, 10, 1915.

<sup>50</sup> *The Register and Leader* (Des Moines), January 12, 1907, January 10, 1909, January 11, 1913, January 9, 1915; *The Des Moines Register*, January 6, 1917.



er.<sup>51</sup> Each candidate is put in nomination by one of his friends with a more or less lengthy nominating speech. The nomination is seconded with another speech from some other member. Frequently the nomination is by one who had been prominently mentioned for Speaker. In 1919 McFarlane was nominated by Finley. Sometimes the nominating speeches are dispensed with.<sup>52</sup>

Down to 1900 the prevailing method of choosing a Speaker in the Iowa Republican caucus appears to have been by secret ballot. But in 1900 the Bowen men forced an open ballot, the members responding to the roll call. At the time there was bitter criticism of the methods used at this caucus. It was claimed that "on a closed ballot the members would have been free to express their preference" and Eaton would have been elected.<sup>53</sup> Since that occasion it has been customary to use ballots, the members voting as the roll is called.<sup>54</sup> Indeed, it is now apparently the custom for prepared printed ballots to be used as they were in 1900 for the officers other than Speaker, when "the Bowen men had been furnished with tickets like strings of street car tickets,

<sup>51</sup> In 1909 the question arose as to which Polk County member should open the House — the senior member in years or in House service. That year it was the senior in years. The practice has not been uniform.— *The Register and Leader* (Des Moines), January 4, 1909.

<sup>52</sup> *The Register and Leader* (Des Moines), January 9, 1904, January 8, 1911; *The Des Moines Register*, January 7, 1917.

<sup>53</sup> It was asserted by a capital city paper that "After completing the 'deals' for the speakership the doubtful members were clubbed into signing an agreement to vote for Mr. Bowen, but the managers did not dare to trust them after they had signed the agreement, therefore the signers of the agreement, were herded in a committee room at the capitol and then marched into the caucus under the whip and spur of the managers, and forced to deliver their votes as the roll was called!"— *The Iowa State Register* (Weekly, Des Moines), January 12, 1900.

<sup>54</sup> *The Des Moines Register*, January 7, 1917. Tellers are appointed from the membership of the caucus to supervise the balloting.— *The Register and Leader* (Des Moines), January 10, 1915.

and were tearing them off one by one and dropping them in the hat as it passed without even reading the names."<sup>55</sup> In 1917 it was rumored that there would be an attempt to have an open ballot; but the suggestion was opposed by many who "have friendly relations with both candidates and do not desire to commit themselves openly."<sup>56</sup>

Sometimes the Speaker is named on the very first ballot; occasionally it takes several ballots to arrive at a choice. In 1907 and 1911 the leading candidate was unanimously nominated. Cunningham won on the first ballot in 1913 by securing thirty-eight votes to Klay's twenty-four, thirty-two being the number necessary for election. Thirty-eight votes—just barely enough—secured the position for Atkinson in 1915 on the first ballot—Barry receiving twenty-seven and Brady nine. Pitt, too, in 1917 received a bare majority on the first ballot. The ninety-first vote cast gave him the speakership and "ended one of the sharpest fights for the honor which has ever been settled by a single ballot." When ninety votes had been read off by the tellers, Pitt had forty-seven, Elwood twenty-six, Shortess fourteen, and Neff three. The next vote gave Pitt the victory and was greeted with cheers from the caucus. The final vote stood: Pitt, forty-eight; Elwood, twenty-eight; Shortess, fifteen; and Neff, three. Elwood and Shortess moved that the nomination be made unanimous, which motion prevailed. In 1919 McFarlane was the only candidate left in the caucus and was unanimously elected on the first ballot.<sup>57</sup>

<sup>55</sup> *The Iowa State Register* (Weekly, Des Moines), January 12, 1900; *The Des Moines Register*, January 7, 1917. In 1907 it was said that the slate was not yet dry from the printing press when it was distributed among the Republican members.—*The Register and Leader* (Des Moines), January 12, 1907.

<sup>56</sup> *The Des Moines Register*, January 6, 1917.

<sup>57</sup> *The Register and Leader* (Des Moines), January 12, 1907, January 8, 1911, January 12, 1913, January 10, 1915; *The Des Moines Register*, January 7, 1917.

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The custom of the caucus is to regard all ballots as formal. But in 1909 and 1915 the first ballot was made informal, and in 1917 there was a movement to have one informal ballot. In 1915 the informal ballot was made formal and Atkinson was declared elected; but in 1909 it took an informal ballot and five formal ballots to elect a Speaker. The summary of the balloting in the 1909 caucus is interesting:

CANDIDATES	INFORMAL	FIRST	SECOND	THIRD	FOURTH	FIFTH
Feely	9	13	15	20	28	40
Stillman	6	6	8	10	13	17
Lee	12	15	19	17	15	10
Harding	19	22	21	17	13	3
Hackler	5	4	3	3	3	2
White	9	8	4	5		1
Darrah	5	2	2	1		
Marston	6	3				
Sullivan	1					
Larrabee					1	
	—	—	—	—	—	—
	72	73	72	73	73	73

Marston withdrew after the first formal ballot; Darrah withdrew on the fifth; when the Lee men began to go for Stillman, Harding turned to Feely. After the election, Harding moved that the nomination be unanimous; Lee seconded the motion; and it was so made. In 1870 it took seven ballots for Cotton to beat Russell by a small majority.<sup>58</sup>

When it is ascertained who has been chosen Speaker by the caucus, a committee is named to escort the successful candidate to the platform. He makes a speech of acceptance similar to the one he makes after his election by the House; and frequently he outlines his program for the

<sup>58</sup> *The Des Moines Register*, January 6, 1917; *The Register and Leader* (Des Moines), January 10, 1909, January 10, 1915; *Iowa State Weekly Register* (Des Moines), January 12, 1870.

session. Usually the Speaker *pro tempore* and the defeated candidates also make speeches; and the whole affair ends in apparent harmony.<sup>59</sup> The good natured rivalry among candidates in 1919 contrasts vividly with the graceless fight in 1917.

Of late years the Democrats have held their caucus on Monday morning before the session opens. Here their choice of a member to run for the speakership is made. Sometimes they select a man to whom they can give an honorary vote. In 1904 they officially endorsed George W. Clarke, the Republican candidate. When informed of their action, Clarke thanked them and said he "appreciated the honor" and that "his appreciation would find expression in something more than words and would characterize all his actions in the house and in his treatment of members." In recent years the most important function of the Democratic caucus has been the election of a minority floor leader. Representative Rogers held this position in the Thirty-seventh and Thirty-eighth General Assemblies.<sup>60</sup>

## V

### THE FORMAL ELECTION OF THE SPEAKER

Provision is made in the Code that "The members reported by the committee [on Credentials] as holding cer-

<sup>59</sup> *The Register and Leader* (Des Moines), January 7, 1906, January 12, 1907; *The Des Moines Register*, January 7, 1917.

That the caucus election of Speaker does not breed ill-feeling is evidenced by the following newspaper note:

"Ed Cunningham, who was chosen for speaker by the republican caucus, Gerrit Klay, who ran next to him in the caucus, and Herbert A. Huff, who was also a candidate for Speaker, made up a theatre box party at the Berchel Saturday night for 'Gypsy Love'."—*The Register and Leader* (Des Moines), January 13, 1913.

<sup>60</sup> *The Register and Leader* (Des Moines), January 10, 1904, January 14, 1907, January 8, 1911, January 11, 1913; *The Des Moines Register*, January 9, 1917.

tificates of election from the proper authority shall proceed to the permanent organization of their respective houses by the election of officers." This has been the rule of law since 1851. Formerly this formal election of Speaker in the House itself occurred on the second day of the session. This custom was begun in the organization of the House of the First Legislative Assembly, which met in 1838-1839. On the second day of that session it was moved to proceed to the election of Speaker. Tellers were appointed and a ballot taken — apparently without the formality of nominations. The first ballot resulted in eleven votes being cast for William H. Wallace, four for John Frierson, two for Thomas Cox, one each for Andrew Bankson and James W. Grimes, and one blank. "Mr. Wallace, having received a majority of the whole number of votes, was declared to be duly elected Speaker". It seems to have been an established doctrine that legislative assemblies had the right of selecting their own presiding officers from among their own members without the approval or sanction of any outside authority whatsoever. Apparently they accepted the rule of general parliamentary law that a majority of the whole number of votes cast was necessary for election. In recent years — at least since 1896 — the formal election of Speaker has been conducted on the first day of the session. At present the formal election of Speaker is purely perfunctory: it simply confirms the caucus election.<sup>61</sup>

In the session of 1839-1840 nominations were introduced. Hon. S. C. Hastings nominated Edward Johnstone, and Loring Wheeler nominated James Churchman. The first ballot resulted in the election of Johnstone, who received seventeen out of twenty-five votes cast. Since that time nomination speeches have been common. Seconds have

<sup>61</sup> *Code of 1897*, Ch. 2, Sec. 9; *House Journal*, 1838-1839, pp. 14, 15, 1896, p. 7, 1917, p. 6.

also frequently been made. In recent years nomination speeches have been made and are printed in the *House Journal*. Although the nominations are partisan, the first recognition of parties in the *House Journal* occurred during the session of the Twentieth General Assembly. In that session men were placed in nomination "on behalf of the Republican members" and "on behalf of the Democrats" of the House. There have been ordinarily candidates of but two parties — Democrat and Republican. In 1884 there was an independent candidate. In 1886 three parties — Republican, Democrat, and Greenback — had candidates in the field. In 1874 the contest was between the Republicans and the Anti-Monopolists. Reuben Noble was known as the "Free Soil Speaker". When but one man is nominated it is customary to move that he be made Speaker; the roll is then called, and he is declared unanimously elected. The fullest advantage was taken — and well taken — of the opportunity offered by the nomination speech in 1919 when the name of Arch W. McFarlane was placed before the House of the Thirty-eighth General Assembly by James B. Weaver.<sup>62</sup>

In recent years the Democrats have not consistently put candidates in nomination for the speakership, but have frequently supported the Republican nominee. In the Thirty-first General Assembly, George W. Koontz (Democrat), of Johnson County, moved that Clarke be the unanimous choice for Speaker. In 1907 Koontz seconded the majority nomination. In 1915 when Representative Kane of Dubuque put S. H. Bauman of Van Buren County in nomination for Speaker of the House, he preceded the nomination with the following remarks:

<sup>62</sup> *House Journal*, 1839-1840, p. 4, 1882, p. 8, 1884, p. 9, 1886, p. 9, 1898, p. 7, 1900, p. 4, 1917, p. 7; *Iowa State Weekly Register* (Des Moines), January 16, 1874; *The Annals of Iowa* (Third Series), Vol. III, p. 195.

## SPEAKER OF THE HOUSE OF REPRESENTATIVES 35

### MR. SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES

— We of the minority, in presenting a candidate for the speakership, realize the fact that in so doing we have no opportunity of securing our candidate for the permanent speaker of this assembly. But regardless of that fact, we are desirous of extending an honor to one of our members who has served for four sessions as a member of this body and who has obtained for himself distinction as a man of ability and fairness in all legislative matters. We present this candidate, not in the spirit of partisanship, but in recognition of his past accomplishments as an Iowa legislator. I have the honor of presenting to this assembly the minority candidate for Speaker of the Thirty-sixth General Assembly, the Honorable S. H. Bauman of Van Buren.<sup>63</sup>

Upon the roll call, Bauman received thirty votes, but he immediately moved that the election of Atkinson be made unanimous. In 1917 George W. Crozier was placed in nomination as the minority candidate, but before the roll was called, he moved that the nomination of Pitt be made unanimous. In 1919, Representative Rogers moved that the nomination of McFarlane be made unanimous, stating that the minority would not place a candidate before the House.<sup>64</sup>

There was no break in the manner of the election to the speakership between the Legislative Assembly of the Territory and the General Assembly of the State. Indeed, the Speaker of the First General Assembly was elected before Iowa was admitted to the Union. The session of 1846–1847 convened on Monday, November 30, 1846. J. B. Browne was elected Speaker on the second day of the session, while the State was not formally admitted to the Union until December 28, 1846.<sup>65</sup>

A *viva voce* election was held in the extra session of 1848,

<sup>63</sup> *House Journal*, 1906, p. 4, 1907, p. 5, 1915, pp. 7, 8.

<sup>64</sup> *House Journal*, 1915, p. 8, 1917, pp. 7, 8.

<sup>65</sup> *House Journal*, 1846–1847, p. 4; Shambaugh's *Documentary History of Iowa*, Vol. I, pp. 185, 186.

whereas up to that time the election had been by ballot. The *Journal* of this session recorded for the first time the vote of each member, the names having been called in alphabetical order. Since that time various methods have been used — *viva voce* roll call, acclamation, and ballot. At one session it was proposed that lottery be used as a method of selection. The *Journal* of the House of 1870 was the first to show the vote of each member together with a record of the absentees. For several sessions this record has been included when a roll call forms part of the election procedure, as has happened in every session since 1880, except those of 1917 and 1919. In the Twenty-sixth General Assembly the Speaker was elected by acclamation, but "To complete the record the chair ordered a roll call on the election of Speaker." The House of 1917 failed to thus complete the record. There have been many so-called "unanimous" elections, but probably Jacob Butler, Speaker of the Tenth General Assembly, and Willard L. Eaton, Speaker of the Twenty-ninth General Assembly, stand highest as regards the unanimity of the vote accorded them. In the Tenth General Assembly the Committee on Credentials reported eighty members as entitled to seats in the House; eighty votes were cast in the election of Speaker, and Jacob Butler received all of them. In 1902 Willard L. Eaton received every vote in the House except his own. M. B. Pitt was unanimously elected in 1917, as was Arch W. McFarlane in 1919.<sup>66</sup>

As at present conducted, the election of Speaker in the House is purely a form. The procedure is carefully mapped out before the session opens. In 1917 "Ramsay [Chief

<sup>66</sup> *House Journal*, 1840 (Extra Session), p. 6, 1852-1853, p. 6, 1856 (Extra Session), p. 6, 1856-1857, p. 7, 1860, p. 6, 1862, p. 7, 1864, pp. 4-6, 1870, pp. 6, 7, 1876, p. 8, 1878, p. 7, 1880, p. 7, 1896, p. 7, 1902, p. 4, 1917, p. 8; *Iowa State Weekly Register* (Des Moines), January 23, 1874.



Clerk] had typewritten slips prepared in advance of the morning session of the house, bearing every motion necessary to keep the wheels moving smoothly.

"The whole affair went off like clockwork. Each member had his 'cue' when to break into the game and no time was lost."<sup>67</sup>

It is interesting to note the conduct of the candidates in these elections. It was decided in the extra session of the First General Assembly of the State that the candidates for Speaker might be excused from voting if they so desired. The successful candidate won by taking advantage of this exemption; but the Speaker of the Fifth Legislative Assembly was probably elected by the vote of the candidate himself. For a number of years it was customary for the two candidates to exchange complimentary votes. But in 1886, Head, the Republican candidate, did not vote, although he received the vote of one of his opponents. In 1888 neither candidate voted. In the contest of 1890 Wilson voted for Hamilton but Hamilton is recorded as "not voting". In 1892, 1894, and 1915 neither candidate voted. Between 1894 and 1915 there was usually but one candidate, who, of course, did not vote for himself. In 1909 and 1913, however, Miller, the Democratic candidate, gave his vote both times to his opponent: both times his opponent was recorded as "absent or not voting". In 1913 and 1915 the successful candidate explained that had he been present he would have voted for his opponent.<sup>68</sup>

Very few men have had the honor of being elected at more than one regular session as Speaker of the Iowa House. James Morgan was Speaker in the Fifth Legisla-

<sup>67</sup> *The Des Moines Register*, January 9, 1917.

<sup>68</sup> *House Journal*, 1848 (Extra Session), pp. 7, 8, 1870, pp. 6, 7, 1872, p. 6, 1874, p. 48, 1884, p. 10, 1886, p. 9, 1888, p. 12, 1890, p. 83, 1892, p. 8, 1894, p. 7, 1909, pp. 7, 8, 1913, pp. 8, 9, 12, 1915, pp. 8, 17.

tive Assembly and again in the Seventh. He was talked of for Speaker of the Eighth Legislative Assembly, but, being an advocate of rotation in office, he "voluntarily declined being a candidate for re-election." John Russell was a candidate for a second term, but was unsuccessful. John H. Gear furnishes the second instance of a two-term Speaker. He served in that capacity in the Fifteenth and Sixteenth General Assemblies. The only other man to hold this distinction is George W. Clarke, of Dallas County, Speaker in the Thirtieth and Thirty-first General Assemblies. Jesse B. Browne, Speaker of the House in the First General Assembly, had been President of the Council in the First Legislative Assembly.<sup>69</sup>

## VI

## EXTRA SESSION SPEAKERS

At the first extra session of the Territorial Assembly the question arose as to whether or not the Speaker of the regular session held over. The question was decided in the negative and a new election was held. There was, however, but one nomination, and Edward Johnstone, Speaker at the regular session, received thirteen out of twenty-five votes on the third ballot and was declared elected. The second extra session of the Territorial legislature convened at Iowa City on June 17, 1844. James P. Carleton, Speaker during the regular session, was not elected; but instead, the House proceeded to choose a new Speaker,<sup>70</sup> and John

<sup>69</sup> *Iowa Capitol Reporter* (Iowa City), December 10, 1845; *House Journal*, 1870, p. 6; *Iowa State Weekly Register* (Des Moines), January 12, 1870.

<sup>70</sup> *House Journal*, 1840 (Extra Session), p. 4; *Iowa City Standard*, June 20, 1844. Foley was described as "a polite Irish gentleman, [who] had been sheriff of Jo Daviess county, Ill., and a member of the First Legislative Assembly of Wisconsin Territory".—*The Annals of Iowa* (Third Series), Vol. VII, p. 600.

Foley of Bellevue was the man elected to serve for the three-day session.

At the first extra session in the State period, held in 1848, Jesse B. Browne, Speaker during the regular session, was reëlected. The vote was *viva voce* and the second roll call gave him the victory on a parliamentary technicality. The precedent of electing the presiding officer of the regular session to serve as Speaker at the extra session was followed in 1856. Reuben Noble was then elected by acclamation.<sup>71</sup>

In 1858 the General Assembly enacted a law declaring that "The Speaker of the House of Representatives, shall hold his office, until the first day of the meeting of a regular session of the General Assembly next, after that at which he was elected." This provision is still in force.<sup>72</sup> Consequently at all of the extra sessions since 1856 and at the adjourned session of 1873 the Speaker of the preceding regular session has taken the chair as a matter of course. In the extra session of 1861, however, John Edwards, upon calling the House to order, declared that in the hour of national crisis party spirit and strife should be quelled, and addressed the House as follows: "I, therefore, in view of the foregoing sentiment expressed, having been elected to the position I now occupy as your presiding officer by the dominant party on this floor, in justice to the minority, I am now willing to resign my position into the hands of any other member of this body, if it should be your wish to do

<sup>71</sup> *House Journal*, 1848 (Extra Session), pp. 7, 8, 1856 (Extra Session), p. 6.

<sup>72</sup> *Laws of Iowa*, 1858, Ch. 126, Sec. 5, pp. 248, 249; *Code of 1897*, Sec. 17.

In introducing this section to the House as a part of the *Revision of 1860* the Codifying Committee explained their action thus: "By reference to the *Journal of the Extra Session of 1856*, it will be seen that the House decided to elect a Speaker, as well as other officers, and it is for the purpose of avoiding the force of that precedent, that the provision is proposed."—*House Journal*, 1858, p. 477.

so." The *Journal* records that "The House unanimously declared that Mr. Edwards remain in the Speaker's Chair."<sup>73</sup>

## VII

### CONTESTS IN THE FORMAL ELECTION OF THE SPEAKER

There have been but two elections of Speaker in Iowa which have been seriously contested during the legislative session itself: those of the Fifteenth General Assembly in 1874 and the Twenty-third General Assembly in 1890. Minor contests occurred in the sessions of the Fifth and Sixth Legislative Assemblies and in the extra session of the First General Assembly. They deserve, perhaps, more than passing mention.

The election of James M. Morgan of Burlington as presiding officer of the Fifth Legislative Assembly was purely a partisan election. General Morgan, who was a Democrat, was not in attendance on the first day of the session. The House was almost evenly divided: there were fourteen Democrats and twelve Whigs; with two of the Democrats listed as conservatives and more or less uncertain. The Democrats on the first day successfully resisted all attempts to proceed to the election of a Speaker, and after several attempts succeeded in forcing adjournment until the following day, when Morgan was present.

On the second day of the session the Whigs offered a resolution declaring that "it is the duty of this House to select its officers equally from each of the great political parties of this Territory." Seventeen votes were recorded in favor of this resolution, nine Democrats, including Morgan, opposing it. A committee of one from each electoral district

<sup>73</sup> *House Journal*, 1861 (Extra Session), p. 4, 1873 (Adjourned Session), p. 3, 1897 (Extra Session), p. 1, 1908 (Extra Session), p. 1.

was appointed to make an apportionment of the officers according to representation. The committee — consisting of five Democrats and five Whigs — recommended that “the House elect a Democratic Speaker, a Whig Clerk, and a Democratic Sergeant-at-Arms.” This report was adopted by a vote of fifteen to eleven, with all of the five Whig committeemen favoring it, and four of the Democratic committeemen opposing it. In the election James M. Morgan was the only nominee, but the result of the first ballot showed thirteen votes for Henry Felkner, the Democratic member from Johnson County, twelve for Morgan, and one blank. The second ballot resulted in thirteen for Morgan and thirteen scattering. On the third ballot Morgan received fourteen votes, a bare majority, and was declared elected.<sup>74</sup>

It took three ballots to elect James P. Carleton, Speaker of the Sixth Legislative Assembly. On the third successive ballot he received thirteen out of the twenty-five votes cast. There were nineteen Democratic members in the House. Thomas Rogers, another Democrat, received eight votes on the final ballot.<sup>75</sup>

An interesting situation arose in connection with the election of Speaker in the extra session of 1848. Robert Smyth and Jesse B. Browne were the leading candidates. On the first ballot there were nineteen votes for Browne, seventeen for Smyth, Smyth's one vote for Bonham, and Browne's blank vote. Browne secured just one-half of the

<sup>74</sup> *House Journal*, 1842-1843, pp. 3-8. The Democratic paper of Iowa City made the charge against the Whigs that after “certain of that same party had proposed a like division between the parties, of the officers of the legislature, which proposal was concurred in, this same party to a man, on the two first ballots for Speaker, (which office had been allotted to their opponents) voted against the candidate of the democratic party, and did their very best to defeat his election.”— *Iowa Capitol Reporter* (Iowa City), December 17, 1842.

<sup>75</sup> *House Journal*, 1843-1844, p. 5.

votes cast. On the second ballot Mr. Browne did not vote, and it was moved that he be excused from voting. Otherwise the vote was the same. But if Mr. Browne should be excused from voting the ballot would mean his election. A point of order was raised on the motion to excuse; the Speaker decided that the motion was in order; and an appeal was taken, which was not sustained. On an Aye and No vote, Mr. Browne was excused from voting, twenty-eight to nine. \* He was accordingly declared elected Speaker.<sup>76</sup>

The first really extended contest for the office of Speaker occurred in the Fifteenth General Assembly. The House was divided between the Republicans and the Anti-Monopolists, with five independent Republicans holding the balance of power. Three of the independents joined with the Republicans, and two with the Anti-Monopolists, splitting the House evenly. The candidates were John H. Gear of Des Moines County, and J. W. Dixon of Wapello County. Twenty-two roll calls were held on the second day of the session for the election of Speaker, the result of each ballot being a deadlock — fifty votes for Gear and fifty for Dixon. The *Journal* during the contest affords an excellent example of obstructive parliamentary measures. The balloting continued for ten days, and the total number of ballots cast was one hundred and thirty-seven. Both parties held daily caucuses. Various proposals were made. It was suggested that the House go into conference; that the members bear the expense of the contest; that voting should be continuous without intermission or adjournment until election resulted; that the two parties hold a joint caucus; that the contest

<sup>76</sup> *House Journal*, 1848, pp. 7, 8. This precedent was followed in the election of the Second General Assembly. Smiley H. Bonham, of Johnson County, who was elected on the first ballot by twenty-five out of thirty-five votes, was excused from voting.— *House Journal*, 1848–1849, p. 6.

be decided by lot; and that a joint "Court of Conference" of ten men settle the question by compromise. This last suggestion was adopted and the compromise reached by this "Court of Conference" was agreed to on Thursday night, January 22nd; and on Friday morning, Mr. Gear was elected Speaker, receiving seventy-nine out of the eighty-seven votes cast. The Republicans paid dearly for the speakership, however, for the Anti-Monopolists secured all the minor offices, equal representation on all standing committees, and majorities of investigating committees including the chairmanships. "Politically speaking, the Republican 'victory' was no victory at all". The charges of corruption in this election were many and open.<sup>77</sup>

The last serious contest within the House itself for the speakership occurred in 1890. John T. Hamilton of Linn County was the candidate of the Democrats and Silas Wilson of Cass County the candidate of the Republicans. The first two weeks of the session were spent in electing a temporary Chief Clerk—he was finally elected on the ninety-second ballot—and in perfecting the temporary organization of the House. Then the balloting for Speaker began, resulting in a deadlock. It took twenty-three days—from January 28th to February 19th—and one hundred and thirty-seven ballots to elect John T. Hamilton. Finally a resolution, which had been agreed upon by the caucuses of the two parties, was offered and adopted; thus settling the matter. This resolution contained a compromise list of officers. The Democrats secured the Speaker, along with the Second Assistant Clerk. The Republicans elected the Speaker *pro tempore* and most of the minor officers. The committees were divided between the parties. This ended the contest and on February 19th John T. Hamilton took the

<sup>77</sup> *House Journal*, 1874, pp. 8-48; *Iowa State Weekly Register* (Des Moines), January 16, 23, 1874; *Burlington Weekly Hawk-Eye*, January 29, 1874.

chair, having received ninety-three votes — all that were cast. The result was undoubtedly a victory for the Democratic party.<sup>78</sup>

## VIII

## THE INSTALLATION OF THE SPEAKER

Comparative uniformity has characterized the installation of the Speaker in the Iowa House of Representatives from the time of the First Legislative Assembly of the Territory down to the present time. Indeed, the formal exercises on this occasion as recorded in the House Journals of 1838-1839 and 1919 are remarkably similar.

Immediately following the election of Speaker it is customary for some member to move that a committee be appointed to escort him to the chair. The chairman usually appoints two, sometimes three, members to perform this service. They are very often men who have been candidates against the Speaker-elect in his own party or defeated candidates of the opposing party. In the Thirty-seventh General Assembly, Speaker Pitt was escorted to the chair by Shortess of Tama, one of his competitors, and Rogers of Carroll, the minority leader. This is the usual custom in the national House, but the precedent was not followed in the Thirty-eighth General Assembly of Iowa. Before taking the chair the Speaker is required to take the oath of office. This oath, administered by the organization Speaker, reads about as follows: "You do solemnly swear that you will support the Constitution of the United States, and of the State of Iowa, and will discharge the duties of Speaker of

<sup>78</sup> *House Journal*, 1890, pp. 1-83; *The Des Moines Leader* (Weekly), February 27, 1890. This is the only time throughout the history of the Iowa legislature that paired votes existed on the election of Speaker. They were common in this contest, four members being paired on the final ballot.—*House Journal*, 1890, p. 83.



the House of Representatives to the best of your ability.”<sup>79</sup>

Upon taking the chair, the newly elected Speaker makes a speech of acceptance, in which he customarily thanks the members for the honor conferred upon him, asserts his own unworthiness, and asks for the coöperation of all. Sometimes he briefly outlines in a general way what the session should accomplish. These speeches of acceptance are always short, but some of them have been especially noticeable for their brevity. In the Twenty-seventh General Assembly “Speaker Funk’s speech on assuming the chair . . . . was brief . . . . but it was long enough for him to announce that . . . . he will serve the same ends of reform and economy” which he served as a member on the floor. The length of the speech is no criterion of the success of the Speaker, for it was said of Ed Wright that “though the eloquence of his accepting speech was condensed into five short sentences, he was easily voted, before the end of the session, the best Speaker Iowa ever had.” When James M. Morgan was elected to the speakership in the Fifth Legislative Assembly, the organ of the opposing party asserted that “he addressed the House in a few embarrassed remarks, which are not worth publishing.” In reply the paper of his own party said: “That the Speaker elect, was somewhat embarrassed upon taking the chair, no one will doubt; and [but] that the remarks which he made upon the occasion were clear, terse, and appropriate, we believe every member of the House will concede.”<sup>80</sup>

<sup>79</sup> *House Journal*, 1884, p. 10, 1917, p. 8; Follett’s *The Speaker of the House of Representatives*, p. 43. A “ripple of merriment swept over the house” in 1915 as “Big Bill” Atkinson was conducted to the chair by two men “whose combined bulk would about equal that of the new speaker.”—*The Register and Leader* (Des Moines), January 12, 1915.

<sup>80</sup> *House Journal*, 1838–1839, p. 15, 1884, p. 10, 1917, p. 8; *Iowa City Standard*, December 8, 1842; *Iowa Capitol Reporter* (Iowa City), December 10, 1842; *The Iowa State Register* (Weekly, Des Moines), January 14, 1898;

Occasionally the installation is marked by some unusual feature. Following the sharp contest of 1890, Speaker Hamilton, upon assuming the chair, was presented with a gavel by Silas Wilson. In the Fourteenth General Assembly there occurred a scene during the installation of the Speaker such as never before nor since has been witnessed in the House. "Tama Jim" Wilson, the Republican candidate, won after a spirited campaign. "One of the members was Ed Campbell of Fairfield, a rock ribbed democrat, of genial, humorous, ironic temperament . . . . It was his habit, when the democrats and republicans locked horns, or members got tangled up in debate, to rise with great gravity and say, 'Mr. Speaker, in the interest of peace and harmony, I move —' and follow with some ironical suggestion foreign to the subject. On this occasion, as soon as Wilson had taken his seat, a colored waiter from the old Savery house, was seen passing down the aisle bearing a tray on which was a bottle of wine and a glass goblet. He halted at Ed's desk, whereupon Ed very deliberately filled the goblet with wine, and after a very short, fulsome greeting speech, drank a toast to the speaker on his success, the other members sitting back in perfect astonishment."<sup>81</sup>

After the Speaker has been installed and the permanent officers elected, the Speaker *pro tempore* usually relieves the Speaker of the chair for the remainder of the morning session.<sup>82</sup>

*Pioneer Lawmakers' Association of Iowa, Proceedings, 1894, p. 65.* Apparently, following the contest of 1890, Speaker Hamilton made no speech of acceptance. It is not mentioned in the *House Journal*.—*House Journal, 1890, p. 83.*

<sup>81</sup> *House Journal, 1890, p. 83; The Register and Leader (Des Moines), February 17, 1907.*

<sup>82</sup> *House Journal, 1917, p. 11.*

TABLE OF SPEAKERS OF THE IOWA HOUSE OF REPRESENTATIVES

SPEAKERS OF THE HOUSE OF REPRESENTATIVES OF THE LEGISLATIVE ASSEMBLY OF IOWA							
SESSION OF LEGISLATIVE ASSEMBLY	YEAR OF SERVICE	NAME OF SPEAKER	AGE AT ELECTION	PARTY	RESIDENCE	OCCUPATION	PREVIOUS LEGISLATIVE EXPERIENCE
First	1838-1839	William H. Wallace	27	Whig	Mt. Pleasant, Henry Co.	Lawyer-farmer	
Second	1839-1840	Edward Johnstone	24	Democrat	Keokuk, Lee Co.	Lawyer	Clerk in Wisconsin L. A., 1837-1838
Second (Extra)	1840	Edward Johnstone	25	Democrat	Keokuk, Lee Co.	Lawyer	Clerk in Wisconsin L. A., 1837-1838. Iowa House: 2nd L. A.
Third	1840-1841	Thomas Cox	53	Democrat	Bellevue, Jackson Co.	Farmer-surveyor	Illinois Senate, 1818-1820 Iowa House: 1st, 2nd L. A.
Fourth	1841-1842	Warner Lewis	36	Democrat	Dubuque, Dubuque Co.	Politician	Chief Clerk, Wisconsin L. A., 1836-1837. Iowa Council: 1st, 2nd L. A.
Fifth	1842-1843	James M. Morgan	28	Democrat	Burlington, Des Moines Co.	Editor-lawyer	Iowa House: 4th L. A.
Sixth	1843-1844	James P. Carleton	31	Democrat	Iowa City, Johnson Co.	Lawyer	Indiana legislature
Sixth (Extra)	1844	John Foley		Democrat	Bellevue, Jackson Co.	Farmer	Wisconsin L. A., 1836-1837
Seventh	1845	James M. Morgan	31	Democrat	Burlington, Des Moines Co.	Editor-lawyer	Iowa House: 4th, 5th L. A.
Eighth	1845-1846	George W. McCleary	38	Democrat	Wapello, Louisa Co.	Politician	Iowa House: 6th, 7th L. A.

SPEAKERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF IOWA							
GENERAL ASSEMBLY	YEAR OF SERVICE	NAME OF SPEAKER	AGE AT ELECTION	PARTY	RESIDENCE	OCCUPATION	PREVIOUS LEGISLATIVE EXPERIENCE
First	1846-1847	Jesse B. Browne	48	Whig	Ft. Madison, Lee Co.	Army officer-merchant	Iowa Council: 1st, 2nd, 3rd, 4th L. A. Iowa House: 8th L. A.
First (Extra)	1848	Jesse B. Browne	50	Whig	Ft. Madison, Lee Co.	Army officer-merchant	Iowa Council: 1st, 2nd, 3rd, 4th L. A. Iowa House: 8th L. A., 1st G. A.
Second	1848-1849	Smiley H. Bonham		Democrat	Iowa City, Johnson Co.		Iowa House: 1st, 1st Extra G. A.
Third	1850-1851	George Temple	46	Democrat	Burlington, Des Moines Co.	Farmer	Iowa House: 1st L. A.
Fourth	1852-1853	James Grant	41	Democrat	Davenport, Scott Co.	Farmer-lawyer	Iowa House: 4th L. A.
Fifth	1854-1855	Reuben Noble	33	Free Soil	Garnaville, Clayton Co.	Lawyer	
Fifth (Extra)	1856	Reuben Noble	35	Free Soil	Garnaville, Clayton Co.	Lawyer	Iowa House: 5th G. A.
Sixth	1856-1857	Samuel McFarland	38	Republican	Mt. Pleasant, Henry Co.	Lawyer	Iowa House: 5th, 5th Extra G. A.
Seventh	1858	Stephen B. Sheldy	56	Republican	Monroe, Jasper Co.	Merchant	Iowa House: 7th, 8th L. A.
Eighth	1860	John Edwards	44	Republican	Chariton, Lucas Co.	Lawyer	Indiana House. Indiana Senate. Iowa House: 7th G. A.
Eighth (Extra)	1861	John Edwards	45	Republican	Chariton, Lucas Co.	Lawyer	Indiana House. Indiana Senate. Iowa House: 7th, 8th G. A.
Ninth	1862	Rush Clark	28	Republican	Iowa City, Johnson Co.	Lawyer	Iowa House: 8th, 8th Extra G. A.

SPEAKERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF IOWA							
GENERAL ASSEMBLY	YEAR OF SERVICE	NAME OF SPEAKER	AGE AT ELECTION	PARTY	RESIDENCE	OCCUPATION	PREVIOUS LEGISLATIVE EXPERIENCE
Ninth (Extra)	1862	Rush Clark	28	Republican	Iowa City, Johnson Co.	Lawyer	Iowa House: 8th, 8th Extra, 9th G. A.
Tenth	1864	Jacob Butler	46	Republican	Muscatine, Muscatine Co.	Lawyer	
Eleventh	1866	Ed Wright	38	Republican	Springdale, Cedar Co.	Farmer	Iowa House: 6th, 7th, 8th, 8th Extra G. A.
Twelfth	1868	John Russell	46	Republican	Wyoming, Jones Co.	Farmer	Iowa House: 9th, 9th Extra, 10th, 11th G. A.
Thirteenth	1870	Aylett R Cotton	43	Republican	Lyons, Clinton Co.	Lawyer	Iowa House: 12th G. A.
Fourteenth	1872	James Wilson	36	Republican	Buckingham, Tama Co.	Farmer	Iowa House: 12th, 13th G. A.
Fourteenth (Adjourned)	1873	James Wilson	37	Republican	Buckingham, Tama Co.	Farmer	Iowa House: 12th, 13th, 14th G. A.
Fifteenth	1874	John H. Gear	48	Republican	Burlington, Des Moines Co.	Wholesale grocer	Iowa House: 14th, 14th Adjourned G. A.
Sixteenth	1876	John H. Gear	50	Republican	Burlington, Des Moines Co.	Wholesale grocer	Iowa House: 14th, 14th Adjourned, 15th G. A.
Seventeenth	1878	John Y. Stone	34	Republican	Glenwood, Mills Co.	Lawyer	Iowa House: 12th, 13th, 16th G. A. Iowa Senate: 14th, 15th G. A.
Eighteenth	1880	Lore Alford	41	Republican	Waterloo, Black Hawk Co.	Lawyer	Iowa House: 17th G. A.
Nineteenth	1882	George R. Struble	45	Republican	Toledo, Tama Co.	Lawyer	Iowa House: 18th G. A.

SPEAKERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF IOWA							
GENERAL ASSEMBLY	YEAR OF SERVICE	NAME OF SPEAKER	ELECTION AGE AT	PARTY	RESIDENCE	OCCUPATION	PREVIOUS LEGISLATIVE EXPERIENCE
Twentieth	1884	William P. Wolf	49	Republican	Tipton, Cedar Co.	Lawyer	Iowa House: 10th, 19th G. A. Iowa Senate: 12th, 13th G. A.
Twenty-first	1886	Albert Head	47	Republican	Jefferson, Greene Co.	Real estate dealer	Iowa House: 20th G. A.
Twenty-second	1888	William H. Redman	47	Republican	Montezuma, Poweshiek Co.	Lawyer	Iowa House: 21st G. A.
Twenty-third	1890	John T. Hamilton	46	Democrat	Cedar Rapids, Linn Co.	Merchant	Iowa House: 21st, 22nd G. A.
Twenty-fourth	1892	William O. Mitchell	45	Republican	Corning, Adams Co.	Lawyer	
Twenty-fifth	1894	Henry Stone	43	Republican	Marshalltown, Marshall Co.	Lawyer	Iowa House: 24th G. A.
Twenty-sixth	1896	Howard W. Byers	38	Republican	Harlan, Shelby Co.	Lawyer	Iowa House: 25th G. A.
Twenty-sixth (Extra)	1897	Howard W. Byers	39	Republican	Harlan, Shelby Co.	Lawyer	Iowa House: 25th, 26th G. A.
Twenty-seventh	1898	James H. Funk	55	Republican	Iowa Falls, Hardin Co.	Farmer	Iowa House: 25th, 26th, 26th Extra G. A.
Twenty-eighth	1900	Daniel H. Bowen	49	Republican	Waukon, Allamakee Co.	Physician	Iowa House: 26th, 26th Extra, 27th G. A.
Twenty-ninth	1902	Willard L. Eaton	53	Republican	Osgoe, Mitchell Co.	Lawyer	Iowa House: 27th, 28th G. A.
Thirtieth	1904	George W. Clarke	51	Republican	Adel, Dallas Co.	Lawyer	Iowa House: 28th, 29th G. A.

SPEAKERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF IOWA							
GENERAL ASSEMBLY	YEAR OF SERVICE	NAME OF SPEAKER	AGE AT ELECTION	PARTY	RESIDENCE	OCCUPATION	PREVIOUS LEGISLATIVE EXPERIENCE
Thirty-first	1906	George W. Clarke	53	Republican	Adel, Dallas Co.	Lawyer	Iowa House: 28th, 29th, 30th G. A.
Thirty-second	1907	Nathan E. Kendall	38	Republican	Albia, Monroe Co.	Lawyer	Iowa House: 28th, 29th, 30th, 31st G. A.
Thirty-second (Extra)	1908	Nathan E. Kendall	40	Republican	Albia, Monroe Co.	Lawyer	Iowa House: 28th, 29th, 30th, 31st G. A.
Thirty-third	1909	Guy A. Feely	33	Republican	Waterloo, Black Hawk Co.	Lawyer	Iowa House: 32nd, 32nd Extra G. A.
Thirty-fourth	1911	Paul E. Stillman	42	Republican	Jefferson, Greene Co.	Printer	Iowa House: 32nd, 32nd Extra, 33rd G. A.
Thirty-fifth	1913	Edward H. Cunningham	42	Republican	Newell, Buena Vista Co.	Real estate dealer	Iowa House: 33rd, 34th G. A.
Thirty-sixth	1915	William I. Atkinson	38	Republican	Clarksville, Butler Co.	Lyceum bureau manager-lawyer	Iowa House: 35th G. A.
Thirty-seventh	1917	Milton B. Pitt	40	Republican	Logan, Harrison Co.	Farmer	Iowa House: 36th G. A.
Thirty-eighth	1919	Arch W. McFarlane	33	Republican	Waterloo, Black Hawk Co.	Travelling salesman	Iowa House: 36th, 37th G. A.

## IX

## THE SPEAKER: A PARLIAMENTARY OFFICER

The Speaker of the Iowa House of Representatives has a two-fold position. He is a parliamentary officer and a political leader. His powers as a moderator are closely inter-related with his opportunities as a party man. Sometimes parliamentary prerogatives are converted into political opportunities. The position of the Speaker as the selected leader of his party is one in which he is expected to advance political interests. But there are certain functions which are purely parliamentary, and their correct execution is fully as much an index to the success of a Speaker as is the enactment of the legislative program of his party.

While the Speaker is as a rule conceded to be the leader of his party and while it is rather expected that he will serve party interests whenever possible, not all Speakers consider it proper to use their position to benefit their party. Early Speakers were often interested in certain bills, some of which were party measures, and worked for their passage. Recent Speakers, too, have sometimes been zealous in the use of their official position to serve party or factional ends. But there have been Speakers who considered the position as merely that of a moderator. George W. Clarke, one of the ablest Speakers who ever presided over the Iowa House, took that attitude. He openly declared that he was a moderator only. In his speech before the caucus he said: "I have observed in some states what seemed to me to be an effort on the part of speakers to control by the influence from the speaker's office legislation on matters coming before the assembly. That is not my conception of the province of the office. It is rather the business of the speaker to facilitate the transaction of business as it comes before the body, impartially". Guy A. Feely,



Speaker of the Thirty-third General Assembly, was of the opinion that he should not influence legislation at all. He did, however, indicate what he considered to be the two most important bills before the session. Paul E. Stillman in 1911 was more of a moderator than a political Speaker. He was said to possess "the happy combination of a forceful and impartial moderator." The Speaker of the Thirty-seventh General Assembly was very active as a political leader and energetic in pushing through legislation which he and his faction desired to have enacted; and yet, following the big debate of the session — on the Johnston road bill — it was claimed that the Speaker had been fair and impartial in his conduct of the debate.<sup>83</sup> McFarlane, upon assuming the chair in 1919, assured the House that he would preside only, and not use his position to influence legislation.

The Speaker is the mouthpiece and representative of the House. When the House desires to act as a whole it is represented by its presiding officer. He receives all communications addressed to the House and lays them before the House; he receives and announces messages and reports

<sup>83</sup> *Iowa Capitol Reporter* (Iowa City), June 7, 1845; *The Register and Leader* (Des Moines), January 7, 1906, February 2, 1909, January 10, 1911.

"Both sides alternated in speaking, Pitt recognizing first one of the administration men, and then an opposition orator." But in the recognition of speakers, Mr. Pitt undoubtedly exercised partisan influence.— *The Des Moines Register*, March 10, 1917.

"There was no criticism offered by the Elwood men against any of the important rulings of the chair, and the speaker avoided anything that resembled steam roller tactics."— *The Des Moines Register*, March 11, 1917.

Contrary to this was the allegation made against an early Speaker: "Mr. Speaker's logic don't work both ways; he decided it to be in order to strike out the name of a whig and place in that of a loco foco — but thought it against the rules to amend a motion so as to strike out the name of a loco foco and place in that of a whig"; and again, that the "Speaker let loco focos villify whig editor, but attempted to keep whig members from answering."— *Hawkeye and Iowa Patriot* (Burlington), January 6, 1841.

from the other branches of government; he receives guests in the House chamber; he receives resignations of members and employees; he represents the House at public ceremonies; and he is on numerous other occasions the official representative of the body over which he presides. He has even been party to a legal suit as the representative of the House.<sup>84</sup>

The Speaker carries out all orders of the House. He issues warrants for the arrest of offenders against the House. He has charge of all proceedings in the House, such as the selection of seats. He has the appointment of not a few officers and employees and supervises the assignment of the duties and stations of many more. He also certifies to the time of the House employees. All documents, acts, orders, and resolutions of the House must be authenticated by the Speaker's signature.<sup>85</sup>

In recognition of the services of the Speaker, he is allowed a compensation double that of the other members. Thus, at present he receives one thousand dollars as a member of the General Assembly, and in addition; one thousand dollars as Speaker of the House of Representatives. There is no statutory provision for this expenditure; but custom dictates that each house should include this appropriation in the omnibus bill.<sup>86</sup>

## X

### THE SPEAKER IN THE CHAIR

The parliamentary powers and duties of the Speaker are derived from the Constitution and statute laws of the State,

<sup>84</sup> *House Journal*, 1838-1839, pp. 25-27, 68, 1845-1846, pp. 10, 190, 1917, pp. 931, 968; *Code of 1897*, Sec. 1268 (2); *The Register and Leader* (Des Moines), January 12, 1911. See *Cliff v. Parsons*, 90 Iowa 665, at 666.

<sup>85</sup> *House Journal*, 1838-1839, p. 90, 1846-1847, p. 57, 1862 (Extra Session), p. 4, 1892, p. 503, 1915, pp. 14, 15; *House Rules*, 1917, Rule 8.

<sup>86</sup> *Laws of Iowa*, 1917, Ch. 292, Sec. 4, p. 319.

from the rules of the House, from legislative practice in Iowa, and from general parliamentary law.<sup>87</sup> The Constitution requires that the Speaker shall sign bills, and that he shall open and publish the returns of the election for Governor and Lieutenant Governor in the presence of both houses at the opening of the session. The statute laws provide that he shall preside in joint convention in the absence of the President of the Senate. The great bulk of the powers and duties of the Speaker, however, are derived from custom and the rules of the House.<sup>88</sup>

The first duty which the rules impose upon the Speaker of the House is that of opening the daily sessions. "He [the speaker] shall take the chair every day precisely at the hour to which the house shall have adjourned; shall immediately call the members to order, and on appearance of a quorum shall cause the journal of the preceding day to be read.<sup>89</sup> If no quorum is present, measures may be taken

<sup>87</sup> The Speaker is apparently not responsible to the House for his term is fixed by law, and no provision is made for his removal. The question of removal has never arisen in Iowa, as it never has in Congress.—Follett's *The Speaker of the House of Representatives*, p. 124.

<sup>88</sup> *Constitution of Iowa*, 1857, Art. III, Sec. 15, Art. IV, Sec. 3; *Code of 1897*, Sec. 23. In the first joint convention for the election of United States Senator in the General Assembly of the State, the Speaker of the House presided, and not because the President of the Senate was absent, either. "When the senators went into the representative hall, Baker, the presiding officer of the senate, who was an unassuming man . . . walked up to the stand for the purpose of taking the chair, to preside over the joint convention, Brown[e] . . . sternly refused to give it up . . . Brown[e] having possession of the chair, and being sustained by the whigs, retained his position, and he and the clerk of the house acted as the officers of the joint convention."—*The Annals of Iowa* (First Series), Vol. IX, p. 650; *House Journal*, 1846-1847, p. 95.

<sup>89</sup> *House Rules*, 1917, Rule 1. The journal was formerly read regularly each day. Later it was neglected and sometimes the journals for a week or longer would be read and corrected at one time. Occasionally it was overlooked entirely. In one session the Speaker suggested that all members interested in matters considered the preceding day should examine the minutes to see if

to secure one. Any five members, if the Speaker is in the chair, can compel the attendance of absent members. Upon a call of the House, the Speaker directs the sergeant-at-arms to compel absent members to attend. This method of securing a quorum was used fourteen times in the Iowa House in 1917. In former sessions members sometimes refused to answer roll call and thus prevented action; but the "Reed rule" relative to a quorum has now been adopted in Iowa. "Any member occupying his seat during a call of the house shall be counted by the speaker and his name entered in the journal as being present but not voting, for the purpose of making a quorum."<sup>90</sup> A duty exercised by the Speaker corresponding to that of calling the House to order is the duty of declaring, upon motion, that the House is adjourned. This he does at the close of each day's session. At the hour of twelve o'clock noon on the day fixed for final adjournment the Speaker declares the House adjourned *sine die*.<sup>91</sup> The House is not adjourned until the Speaker so

they were correct. At present the journal is "corrected and approved" daily, but is not read in the House.—*House Journal*, 1858, p. 303, 1884, p. 590, 1898, pp. 497, 906, 1917, p. 193.

<sup>90</sup> *House Rules*, 1917, Rules 35, 38. The "Reed rule" was adopted in the Iowa House in 1896. The President of the Senate found it necessary to use this method of securing a quorum as early as 1892, but the first record of it in the House was in 1896, after the adoption of the rule. It was alleged in the session of 1846-1847 that business was transacted when no quorum was present.—*House Rules*, 1894, Rule 38, 1896, Rule 38; *The Iowa State Register* (Weekly, Des Moines), January 22, 1892; *House Journal*, 1896, p. 931; *Iowa City Standard*, March 10, 1847.

<sup>91</sup> *House Journal*, 1917, p. 2221. It frequently occurs, on the day of adjournment, that business can not be completed at twelve o'clock. In that event it is customary to stop the hands of the clock. In 1884 when the gavel fell at twelve by the clock, members' watches read five o'clock. In 1909 a disgruntled member attempted to force adjournment in a similar situation because it was after the time when adjournment was supposed to take place. The Speaker, who had ordered the clock stopped, pointed to it and said he was governed by that clock. The House cheered enthusiastically.—*The Register and Leader* (Des Moines), February 17, 1907, April 10, 1909.

pronounces it.<sup>92</sup> The Speaker may also declare the House adjourned for a short recess.<sup>93</sup>

One of the important duties of the presiding officer is the preservation of order and decorum. Any member who, in speaking or otherwise, transgresses the rules of the House, may be called to order by the Speaker.<sup>94</sup> No very serious cases of unmanageable disturbance have been recorded in the Iowa House. Sometimes, however, members become unruly and the Speaker has difficulty. When James M. Grant was Speaker, he had difficulty with a member named Gilman Folsom who was dissatisfied with his committee assignments. Folsom denounced the Speaker at every opportunity and often became very abusive. Grant took the floor at times to answer him, and on one occasion it was necessary for the Speaker *pro tempore* to have the sergeant-at-arms separate the two men.<sup>95</sup>

The duty of preserving order and enforcing parliamentary rules in debate is one the exercise of which is called into play much more frequently and generally than is that of quelling disorder on the floor. The Speaker must always see that members restrain themselves within the rules of order. When those rules are transgressed, he must call the member to order. He must always keep himself, as well as the House, under control. This often requires a great deal of force and self-restraint. John Edwards, although in many respects an admirable presiding officer, was unable

<sup>92</sup> Compare with Jefferson's *Manual*, Sec. 50.

<sup>93</sup> How the Speaker may manipulate the procedure in the House to subserve party ends was seen in the extra session of 1908, when Speaker Kendall ordered a ten minute recess and a Republican caucus was held in that ten minutes.—*The Register and Leader* (Des Moines), September 1, 1908.

<sup>94</sup> The Speaker also has power to clear the lobby in case of any disturbance or disorderly conduct.—*House Rules*, 1917, Rules 2, 9, 12.

<sup>95</sup> *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1896, p. 33.

to control the deliberations of the House. During the session in which he was Speaker there was much annoying filibustering. Edwards was in poor health and was often worried almost beyond endurance. On such occasions he would call N. B. Baker or Ed Wright to the chair, and the gavel would be wielded with a firmer hand. Ed Wright was, on the other hand, thoroughly master of the situation at all times. The Chief Clerk of the House said later that he did not recall "an instance in which he was disconcerted or baffled for a single moment. He was thoroughly informed upon every point of parliamentary law, and kept the House and himself well in hand." The presiding officer should never lose his temper as did the Speaker at a recent session of the General Assembly upon one occasion.<sup>96</sup>

The Speaker always decides, subject to review by the House, all points of order. Most points of order are decided as they arise, but sometimes a longer time is required for ruling upon them. Occasionally a day or two is taken by the Speaker to decide a point of order. Sometimes he obtains assistance from the floor or submits the question to the House.<sup>97</sup> Often a written ruling on a mooted point is

<sup>96</sup> *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1886, p. 22; *The Annals of Iowa* (Third Series), Vol. I, pp. 84, 85, Vol. II, pp. 379, 380; *The Des Moines Register*, March 23, 1917. In the session over which Stephen B. Shelledy presided there was a member who constantly criticised the Speaker because he did not control in a more autocratic manner the procedure of the House. He complained that altogether too much time was wasted in extended discussion. On the last day of the session there was a lull in proceedings, and Shelledy called him to the chair. He soon discovered that keeping order in the House was no small job. "He had scarcely squared himself in the chair, when a member rose to a question of personal privilege." Ed Wright at once interposed with a point of order. "In an instant another member was on his feet in defense of his right to speak, another was up in defense of the point of order, whilst a third was insisting that the Chair should decide the point of order. So for the next half hour Bedlam was turned loose."—*Pioneer Lawmakers' Association of Iowa, Proceedings*, 1892, p. 62.

<sup>97</sup> *House Rules*, 1917, Rule 2; *Tri-Weekly Iowa State Journal* (Des Moines), January 27, 1858; *House Journal*, 1917, p. 1378.

distributed and printed in the journal. At times a Speaker will reverse his decision. Appeals from the decision of the chair are common and it is not at all unusual for the decision to be overruled. It has been claimed for but one Speaker — Rush Clark — that there was not a single appeal from any decision he ever made. An attempt was once made to refer a decision of the chair to a committee, but such an unusual procedure was voted down. The Speaker of the Thirty-seventh General Assembly made an impassioned appeal to the House on one occasion to sustain his decision.<sup>98</sup> The Speaker may sidestep decisions and leave

Speakers were accustomed frequently to call on Ed Wright to straighten out parliamentary kinks. "If the House got into a tangle, every one was willing to smother his wrath and sit quietly while Ed explained the situation and brought order out of the chaos."— *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1886, p. 22; *The Annals of Iowa* (Third Series), Vol. II, p. 377.

<sup>98</sup> He is quoted as saying "I am ashamed of the members of this house who refuse to uphold the chair".— *The Des Moines Register*, March 23, 1917.

An unusual thing happened in connection with a ruling by the Speaker on a point of order in the Thirty-seventh General Assembly. House File No. 403 was passed by the House and passed with amendments by the Senate. When the bill as amended came up in the House on March 30th, it was moved that the amendments be laid on the table. Turner of Iowa raised the point of order that "inasmuch as the motion to lay the Senate amendments on the table would involve the final disposition of the bill, the motion would require a Constitutional majority." On April 5th the Speaker ruled on this point of order that it could not be sustained upon the reason assigned by the member, but that it could be sustained upon another ground, namely, that it was in conflict with Joint Rule No. 1 of the General Assembly. This rule provides that in a situation such as confronted the House at that time, one of three things must be done. The House could "(1) amend an amendment made by the Senate to a bill passed by the House and returned to it for concurrence, or (2) concur in the amendment made by the Senate, or (3) refuse to concur therein." The Speaker ruled that tabling the amendment nullified this joint rule. Seven members, including the Speaker *pro tempore* prepared and had privately printed and distributed a three-page "STATEMENT In Re Point of Order Raised by the Gentleman from Iowa, Mr. Turner, in Relation to House File No. 403." Herein the right of the Speaker to "voluntarily and of his own motion" raise a point of order "after a vote has been taken, and the result announced" was denied. They thoroughly fortified their position by the citation of authorities.

them to a vote of the House. He has been known to rule appeals out of order altogether.<sup>99</sup>

Most Speakers are more or less arbitrary in their rulings from the chair. According to the tact which they use they are praised or blamed for this quality. Speaker Funk was often arbitrary, but he was also usually in the right. Speaker Clarke was complimented because he forced business through by the aid of autocratic decisions. It was said of W. P. Wolf that he was "positive in his rulings from the chair, and sometimes almost belligerent, but always just." The Chief Clerk at one time warned the Speaker of the Twenty-seventh General Assembly that he was ruining his political future by persisting in the arbitrary rule he was making, but the warning had no effect.<sup>100</sup>

Decisions are, of course, based on precedent; but occasionally a Speaker either does not follow precedent or makes a new precedent for others who succeed him. Jacob Butler as Speaker of the Tenth General Assembly ruled that a two-thirds vote was necessary to take up a bill which

Moreover, the decision of the Speaker was criticised in itself. It was contended that a motion to table an amendment did not finally dispose of the bill, but only temporarily removed it from the consideration of the House. Of course in practice it really is finally disposed of, especially in the Senate, where a two-thirds vote is necessary to remove it from the table. But in the situation as it existed in the House of this session, the protest was doubtless justified.—*House Journal*, 1917, pp. 1178, 1383, 1418, 1419, 1644-47; *Senate Journal*, 1917, p. 1282; *Joint Rules*, 1917, Rule No. 1; *Senate Rules*, 1917, Rule 38.

<sup>99</sup> *The Des Moines Register*, April 3, 1917; *House Journal*, 1843-1844, pp. 39, 40, 1846-1847, p. 73, 1866, p. 409, 1909, p. 1654, 1917, pp. 1645-1647, 1648; *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1906, pp. 23, 24.

<sup>100</sup> *The Iowa State Register* (Weekly, Des Moines), March 25, 1898; *The Register and Leader* (Des Moines), April 12, 1904, April 7, 1906; *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1907, p. 42. Upon one occasion, when a member attempted to instruct the Speaker on a point of procedure, he "was politely told by the Speaker that he was familiar with the parliamentary rule on that question."—*Pioneer Lawmakers' Association of Iowa, Proceedings*, 1907, p. 42.



had been reported unfavorably by a committee. There was indignant protest that no such rule existed. Butler explained that he had made the rule "to expedite business and for the public good" and that it would remain the rule until stricken out by the House. Thus by a parliamentary decision a bill was killed. The great power which a Speaker may exercise over legislation by the mere manipulation of parliamentary rules was well illustrated in the session of the Thirty-seventh General Assembly. The bill creating an eighth judge in the Iowa Supreme Court had been passed by both houses. The Senate had, however, passed it with an amendment, in which it asked the House to concur. The House tabled the motion to concur by a vote of fifty-one to forty-nine. The Speaker was interested in the bill, and might revive it by ruling that the motion to table was out of order. He so ruled, not upon the ground raised by the member who made the point of order, namely, that it required a constitutional majority to finally dispose of the bill; but because such action was not in accord with the joint rules of the General Assembly. The ruling revived the bill, but was denounced as unjust and unprecedented. While there was no appeal from this ruling, the bill was defeated a few hours later. Thus, it may be seen that presiding officers make parliamentary law just as judges in the courts make Common Law, and decisions are often of great political importance. Especially in dealing with obstruction can the Speaker accomplish much by the decisions he makes.<sup>101</sup>

A perfunctory but necessary duty of all presiding officers is the announcing of the order of business. Over this order

<sup>101</sup> *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1894, pp. 44, 45; *The Register and Leader* (Des Moines), February 17, 1907; *The Des Moines Register*, March 31, April 6, 1917; *House Journal*, 1917, pp. 1645-1648. See note 98, above.

he has very slight authority; it is determined by the rules. Another necessary duty and one which is purely parliamentary is the obligation to put to vote all motions and propositions which are in order. The rules require that "when a motion is made and seconded, it shall be stated by the speaker". When any matter under consideration is voted upon, it devolves upon the Speaker to announce the vote.<sup>102</sup>

The respect which parliamentary usage accords to the Speaker assists him in the performance of his duties. Any one who desires to participate in the discussion on the floor of the House must first "rise from his seat and respectfully address himself to the presiding officer by his title, saying 'Mr. Speaker' ". The rules require that "when a member is speaking,—no one shall . . . pass between him and the speaker." The office carries with it a certain sense of dignity, and a certain demand for courteous treatment which is as a rule complied with.<sup>103</sup>

The Speaker must recognize members who address him before they can proceed to speak. He does not assign the floor to a member by name, but refers to him as "the gentleman from Woodbury", or whatever county he happens to represent. The power of recognition is one which may be used for the advancing of party interest but which in Iowa is so used to only a limited extent. In strict parliamentary law, when the possession of the floor is claimed by two or more members, that one should be recognized who first catches the eye of the Speaker. In practice, however, the

<sup>102</sup> The Speaker may remain seated while stating a motion; but is required to rise when he puts the question to the House.—*House Rules*, 1917, Rules 3, 10, 19.

<sup>103</sup> *House Rules*, 1917, Rules 11, 15.

A member in the First General Assembly—"Father" Clifton—could not accustom himself to addressing the Speaker by his title, but would always break out "Now, General Brown," and continue with what he desired to say.—*Pioneer Lawmakers' Association of Iowa, Proceedings*, 1896, p. 34.

Speaker uses his judgment as to whom he shall assign the floor, and it is purely arbitrary. Indeed, the rules now provide that "Should two or more members rise at the same time, the speaker shall designate the member entitled to speak." The Speaker, under the practice, even determines who rose first or whether members did rise at the same time. In the national House it is common practice for the Speaker to ask a member "for what purpose" he arises. There, as well as in many of the States including Iowa, the Speaker has a list of those who desire recognition.<sup>104</sup>

Certain usages have grown up in connection with recognition. The Speaker will generally recognize a committee in the person of its chairman in preference to an individual member; if a member has charge of a certain bill, he has preferred recognition; matters of privilege or questions of order are means by which a member may secure the floor; during debate the floor is usually granted alternately to members of the different factions. It frequently happens that the manner in which a man seeks recognition secures it for him. Upon occasion it will happen that the Speaker will refuse recognition if the manifest purpose is to filibuster. Speaker Cunningham announced in 1913 that he would refuse recognition when it was sought for the purpose of recording votes for members who had been absent when the vote was taken.<sup>105</sup>

<sup>104</sup> *House Rules*, 1917, Rule 13; Follett's *The Speaker of the House of Representatives*, pp. 250, 251.

That it is not always an easy matter to secure recognition is evidenced by the following: "Sankey's resolution is due to come today, if he desires it, and can get Speaker Feely's eye."—*The Register and Leader* (Des Moines), January 12, 1909.

<sup>105</sup> *The Register and Leader* (Des Moines), March 11, 1913; *The Des Moines Register*, March 10, 1917.

It was said of Samuel McNutt—in the Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth General Assemblies—that he "could arise to his feet

One of the really important and yet purely ministerial duties imposed upon the Speaker is that of signing bills and joint resolutions which pass the two houses of the General Assembly. The Constitution of the State prescribes the exercise of this function. It is also provided for in the rules of the House and the joint rules of the General Assembly. The bills which are passed are enrolled and then examined by a joint enrollment committee, who report the correct enrollment of the bills to their respective houses. The bills are then signed, first by the Speaker of the House and then by the President of the Senate, before being sent to the Governor for approval. In the Thirty-eighth General Assembly, House File No. 1 was passed by both houses before the enrollment committee was appointed, and Speaker McFarlane signed it without its being reported correctly enrolled. The joint rules of the First General Assembly provided that bills should be signed "in the respective Houses", but when Speaker Browne was ill, bills were taken over to his lodging, one hundred yards from the capitol building for him to sign.<sup>106</sup>

In the early days the Speaker was not always careful about performing this duty efficiently. After the session of 1847-1848, it was alleged that the laws were in very poor

and get recognition from the speaker with more celerity than any man I have ever seen. Quicker than a flash he was on his feet, and with a sort of 'wildness in his aspect,' his raven hair standing out, his large, black eyes gleaming, his hand upraised, his whole attitude theatrical as ever was that of Sheil or Curran, he would cry out 'Mr. Speaker,' with a voice so percussive, and with an air so dramatic that it had the immediate effect to impress both the speaker and the house, that some startling announcement was about to be made. He seldom failed to get his shovel in ahead.'—*Pioneer Lawmakers' Association of Iowa, Proceedings*, 1898, p. 26.

<sup>106</sup> *Constitution of Iowa*, 1857, Art. III, Sec. 15; *House Rules*, 1917, Rule 8; *Joint Rules*, 1846-1847, Rule 7, 1917, Rule 6; *Iowa City Standard*, February 3, 1847; *House Journal*, 1919, p. 99.

Recent rules have prescribed that the Speaker and President sign bills "in the presence of their respective houses."—*Joint Rules*, 1917, Rule 6.

shape, some of them not even having been signed by the presiding officers. The question of the validity of these laws was not raised, however. But in 1904 that question did arise. House File No. 458 was passed by the House and sent to the Senate. The Senate passed the bill almost immediately. The House had a rule that allowed reconsideration within twenty-four hours, and the bill was reconsidered within that time but not until after it had been passed by the Senate. When requested by the House to return the bill, the Senate refused. But of course it was necessary to send the bill to the House for enrollment and signature. Ordinarily it would not again come up for reconsideration in the House, but would remain in the custody of the recording officer until enrolled by the enrolling clerk and presented to the Speaker for his signature. The enrolling clerk, however, is subject to the direction of the House; and the House voted that House File No. 458 should not be enrolled immediately but reserved for further consideration.<sup>107</sup>

- . This action of the House in refusing to enroll the bill precipitated a heated discussion. The House maintained that the Speaker could not sign the bill until it was enrolled. The Senators who favored the bill insisted that it was the constitutional duty of the Speaker to sign the bills that were passed by both houses, and that the action of the House in refusing to endorse its enrollment could make no difference. The question arose as to whether or not the bill could become law without the signature of the Speaker. Could he be compelled to sign? It was generally conceded that he must sign. Representative Temple planned to intro-

<sup>107</sup> *Iowa City Standard*, February 9, 1848; *House Journal*, 1904, p. 1273, 1300, 1317, 1319; *House Rules*, 1904, Rule 32; *Statute Law-making in Iowa in the Iowa Applied History Series*, Vol. III, pp. 268, 269; *Iowa Manual of Legislative Procedure*, Thirty-seventh General Assembly, p. 89.

duce a resolution authorizing the Speaker to refuse to sign bills, thus putting the House back of his action. But the House on the following day brought up the bill for consideration and it was defeated on passage by a vote of fifty-eight to four. Adjournment *sine die* was scheduled for the following day and there was no time for the Senate to register a protest. They merely "passed on file" the House message which apprised them of the action of the House. Thus the question of whether or not an act of the legislature was invalidated by the failure of a Speaker to sign it remained for the time undecided.<sup>108</sup>

A few years later, however, the matter again pressed for decision. Following the session of the Thirty-third General Assembly, it was discovered that the enrolled bill, Senate File No. 37 (Ch. 214, 33 G. A.), printed in the *Code Supplement of 1913* as sections 4944-a to 4944-h inclusive, failed to show the signature of the Speaker of the House.<sup>109</sup> The question of whether or not these sections of the Code were law came up for judicial settlement in the case of *State v. Lynch*, 169 Iowa 148. It had been held in a number of Iowa cases that the enrolled bill duly signed and deposited with the Secretary of State was the ultimate proof of its regular enactment, and that the court would not go behind that record and consult the journals of the houses to ascertain the legislative intent.<sup>110</sup> But the case of a bill which

<sup>108</sup> *The Register and Leader* (Des Moines), April 11, 1904; *House Journal*, 1904, pp. 1324, 1325; *Senate Journal*, 1904, p. 1204.

<sup>109</sup> *Supplement to the Code of Iowa, 1913*, p. 1795.

<sup>110</sup> This doctrine is given expression in *Clare v. The State*, 5 Iowa 509; *Duncombe v. Prindle*, 12 Iowa 1 at 11; *Collins v. Laucier*, 45 Iowa 702; *Koehler & Lange v. Hill*, 60 Iowa 541; *Jordan v. Circuit Court of Wapello Co.*, 69 Iowa 177; *Des Moines Ry. Co. v. Des Moines*, 152 Iowa 18; *Conly v. Dilley*, 153 Iowa 677; *Miller v. City of Oelwein*, 155 Iowa 706; and the whole line of decisions is reviewed in the recent case of *State v. Lynch*, 169 Iowa 148. See pages 450-455 of Patton's *Interpretation and Construction of Stat-*

was not signed had never been the subject of judicial review. It was decided in *State v. Lynch*, however, that "in order that a bill may become a valid law of this state, compliance with the section of the Constitution under consideration (Sec. 15 of Article 3), exacting the signature of the speaker of the house as well as that of the president of the senate, is essential to the authentication of the bill in form and substance as well as essential to certifying its passage", and that "in consequence thereof, chapter 214 of the 33rd general assembly, not having been signed by the speaker, is not and never was a part of the laws of this state."<sup>111</sup>

The Speaker of the Thirty-seventh General Assembly failed to affix his signature to two acts passed at the 1917 session — Senate File No. 25 and Senate File No. 403. The editor of the session laws put them in as addenda, indicating that they were not to be considered as valid laws. What might be the result in case the courts went behind the enrolled bill and consulted the journals of the house is here illustrated. For the journal of the House for April 12th records the announcement of the Speaker that he had signed these two bills in the presence of the House. The enrolled bills furnish proof that he did not. It is presumed, of course, that when the Speaker fails to sign bills he does so through neglect. Such a failure, however, gives him as well as the Lieutenant Governor, a veto which, when it is not discovered, is in effect equal to that of the Governor. It is interesting to conjecture whether or not the Speaker could be compelled to sign acts passed by both houses of the General Assembly. It is generally conceded that the provision in the Constitution is mandatory, although it is

also in *Iowa* in *Statute Law-making in Iowa*, in the *Iowa Applied History Series*, Vol. III, for a discussion of this point as expressed by the cases prior to *State v. Lynch*.

<sup>111</sup> *State v. Lynch*, 169 Iowa 148, at 170, 171.

only indirectly so. Very probably the courts would interpret this provision in accordance with the case of *Marbury v. Madison*, as prescribing the performance of a ministerial act, and allow a writ of mandamus to be served on the Speaker compelling him to sign.<sup>112</sup>

## XI

### THE SPEAKER AS POLITOCRAT

The official conduct of the Speaker exhibits evidences of political activity. In Iowa the political power of the Speaker is mainly derived from and exercised in the functions of "appointment" and "reference". The power of recognition has been treated as parliamentary rather than political in character, because in this State the Speaker has not to any great extent used his privilege of recognition of members in debate for factional purposes. The Iowa House is small, much of the work is done by committees, and members do not seek recognition frequently. No member who desires to speak will find any great difficulty in securing the floor. In addition to the influence used in connection with the two functions of appointment and reference, the Speaker may, as a member voting and speaking, be as thorough a partisan as he wishes.

The greatest political power possessed by the presiding officer of the Iowa House is that of appointing the chairmen of committees, particularly of the standing committees. The performance of this function has been accorded to the Speaker of the Iowa House throughout the history of the

<sup>112</sup> *Laws of Iowa*, 1917, pp. 467-469; *House Journal*, 1917, p. 2006. The Constitution reads "every bill . . . shall be signed by the Speaker". To be directly mandatory it should read "The Speaker shall sign every bill". It is doubtful, however, if the courts would recognize this distinction.—*Constitution of Iowa*, 1857, Art. III, Sec. 15.



office. The House rules of each session have provided that unless otherwise especially directed by the House, all committees should be appointed by the Speaker. True, it was customary for a number of years for the House in each session to authorize by resolution the appointment of committees by the Speaker; and frequently he was instructed as to what committees should be appointed.<sup>113</sup>

Steady and consistent growth has marked the increase of the Speaker's power of committee appointment, until to-day it is practically absolute: the Speaker now has the sole and final authority over the composition of the standing committees,<sup>114</sup> and for some years has abolished and created them at will. There has been little tendency in Iowa to curb the power of the Speaker in respect to the appointment of committees, although there was talk among the "stand-patters" in 1911 of attempting to secure a committee on committees.<sup>115</sup>

<sup>113</sup> *House Rules*, 1838-1839, Rule I, 1917, Rule 6; *House Journal*, 1838-1839, p. 19; 1839-1840, p. 8, 1840-1841, p. 6; 1841-1842, pp. 8, 9, 1898, p. 17.

In the extra session of 1840 the Speaker was authorized to appoint the usual standing committees at his pleasure.—*House Journal*, 1840 (Extra Session), p. 8.

<sup>114</sup> The only legal limitation upon this power is in the case of the joint standing committee on retrenchment and reform, which is a statutory committee. The membership of this committee in the House is prescribed as the chairmen of the House standing committees on appropriations, ways and means, and judiciary, together with two members appointed by the Speaker from the minority party.—*Supplement to the Code of Iowa*, 1913, Sec. 181.

<sup>115</sup> *The Des Moines Register*, January 13, 1917; *The Register and Leader* (Des Moines), January 6, 1911.

The Speaker in the national House has in recent years been shorn of the privilege of committee appointment, but the result has not been altogether satisfactory. A recent observer says it was done "upon the theory that the Speaker had become a great boss and that we could prevent the abuse of power by taking power from him" but he asserts that "we created in lieu of that a dozen or more bosses, not one of whom is in any sense responsible and no one of whom can be held responsible for any abuse."—Charles Merz in *The New Republic*, Vol. XI, p. 187.

The Speaker is not a law unto himself, however, in the matter of committee appointments. He must take into account any number of considerations. For, after all, as American legislative bodies are organized, the work is done and the enactment of legislation is largely controlled by committees. The Speaker, who is elected by a party or a faction must therefore name committees which will see that his policies and those of his supporters are made law. Consequently in making up the committee lists the Speaker must reward the men of his own faction who have secured his election. In 1900, thirty-two of the chairmanships in the House went to new members. Of this number, thirty-one were given to members of the faction of forty-three men who voted for Mr. Bowen for Speaker in the caucus. Some of the leaders of the Eaton party were given substantial recognition, but others failed to receive important positions. Especially are leading supporters or strong opponents favored with the chairmanships of the most important committees. Probably the most desirable committee chairmanships are those of judiciary, ways and means, and appropriations committees, although sometimes a member will prefer some other committee because of special legislation in which he is interested.<sup>116</sup>

The making up of committee lists is in itself no small task. There are nearly a thousand committee places to be awarded and when the number of new members is very

<sup>116</sup> *The Iowa State Register* (Weekly, Des Moines), January 19, 1900.

Frequently committee chairmanships are given to leaders of opposing factions for final support in the caucus. In the Tenth General Assembly, Bereman was a strong contender for the speakership against Jacob Butler, but gave way before the end and "was rewarded by what was then regarded as the best place in the gift of the speaker"—the chairmanship of the judiciary committee. In 1896, too, Speaker Gear gave Mr. Stone, his competitor for the gavel, "the chairmanship of the leading Committee of the House—that on Judiciary."—*Iowa State Weekly Register* (Des Moines), January 21, 1876; *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1898, p. 24.

great it means that there is a large number of vacancies to be filled.<sup>117</sup> The principle of seniority is largely followed, but it can not be made an absolute rule. Sometimes the old members are given the best committee appointments, sometimes the new members are thus rewarded.<sup>118</sup> Committees must of course be framed with a knowledge of what legislation they are to ratify. The roads committee of 1913 was undoubtedly framed for a purpose. In 1896 the Iowa Federation of Building and Loan Associations put forth every effort to have Byers elected Speaker, "and the result was an excellent building and loan committee in the House." In the last session of the General Assembly "the highways committee of the house was hand-picked by Pitt to facilitate abolishment of the highway commission." The committees on the suppression of intemperance have been notoriously packed in past years.

The dominant party has a majority on each standing committee, but it is customary to have a minority representation on each one. Thus it was regarded as a dangerous innovation when, in 1917, the committee on constitutional amendments was constituted completely of Republicans.<sup>119</sup>

The assignment of members to committees gives opportunity for spite work as well as the offering of rewards. When James Grant was Speaker of the House he put Gilman Folsom, a lawyer, as last man on the judiciary committee, placing over him two members who were younger and who were not lawyers. Folsom refused to serve and

<sup>117</sup> In 1907 there was one committee, of which none of the members of the previous session were returned to the legislature.—*The Register and Leader* (Des Moines), January 17, 1907.

<sup>118</sup> *The Iowa State Register* (Weekly, Des Moines), January 19, 1900; *The Register and Leader* (Des Moines), January 18, 1911, February 19, 24, 1913; *The Des Moines Register*, January 15, 1917; *House Journal*, 1897, p. 511; *The Iowa Magazine*, Vol. I, No. 4, p. 8.

<sup>119</sup> *The Des Moines Register*, January 17, 1917.

was very abusive of the Speaker throughout the session. J. B. Weaver, representative from Polk in the Thirty-seventh General Assembly, did not receive committee appointments commensurate with his ability.<sup>120</sup>

The candidates for Speaker usually begin making out their committee lists before the party caucus is called. It is such a large task that otherwise it can not be completed by the time the committees must be announced. In 1896 Byers waited until after his nomination by the caucus before he began making committee lists and as a result he was late in announcing them.<sup>121</sup>

The sifting committee is an important standing committee in which minions of the Speaker can render unusually valuable service. In 1917 the even division of the House made a partisan sifting committee impossible. An attempt to take the appointment of such a committee out of the Speaker's hands failed by the narrow margin of fifty-five to fifty-two and as finally composed it contained three members from each faction.<sup>122</sup>

The Speaker himself has at times been a member of a standing committee. In 1878 and 1884 he was made *ex officio* chairman of the committee on rules, and in 1909 he was a member of the same committee.<sup>123</sup>

Select committees are appointed by the Speaker throughout the session for numerous purposes. There is little chance here for partisanship as most of the work is routine

<sup>120</sup> *Pioneer Lawmakers' Association of Iowa, Proceedings*, 1896, p. 33. See quotation from *The Iowa Falls Citizen* in *The Des Moines Register*, March 23, 1917.

<sup>121</sup> *The Iowa State Register* (Daily, Des Moines), January 6, 1894; *The Iowa State Register* (Weekly, Des Moines), January 7, 1898.

<sup>122</sup> *The Des Moines Register*, April 11, 1917; *House Journal*, 1917, pp. 1879, 1880.

<sup>123</sup> *House Journal*, 1878, p. 37, 1884, p. 18, 1909, p. 144.

or at least does not affect legislation. An interesting coincidence occurred, however, in the last session of the General Assembly. Speaker Pitt appointed a committee wholly of Republicans to draft a resolution endorsing Wilson — a Democratic President.<sup>124</sup>

An essential concomitant of the power of committee appointment is the power of referring bills to committees. In this particular, the Speaker has practically unquestioned authority. Each bill, when it is introduced is referred by him to some committee. Thus his control over legislation is made complete. What matters it if the committee on the suppression of intemperance is "dry" when the joint resolution providing for statewide prohibition is sent to the committee on constitutional amendments? To be sure, the committees in the Iowa House do not finally decide the fate of all bills. There is considerable discussion on the floor; but in many cases the action of committees determines the result. The sifting committee is especially powerful in this regard.

When the House goes into committee of the whole, the Speaker leaves the chair and appoints another to preside in his place. The Speaker must, however, remain on hand to take the chair whenever the committee decides to rise, or when a message from the Senate arrives. In the adjourned session of 1873 Representative Kasson acted regularly as chairman of the committee of the whole. In most sessions, however, the duty is passed around among the members. Although the committee of the whole has fallen into disuse, there was formerly a "custom-rule" that the chairman of the committee on rules, who was usually the caucus chairman of the majority party, was chosen to preside over the committee of the whole House.<sup>125</sup>

<sup>124</sup> *The Des Moines Register*, February 4, 1917.

<sup>125</sup> *House Rules*, 1917, Rule 68; *House Journal*, 1873, pp. 28, 50, 55, 147, 148, 149.

## XII

## THE SPEAKER: A MEMBER OF THE HOUSE

The member who is elected Speaker does not relinquish his rights as a member from his district. He has the right to vote, and indeed in all cases of a call of yeas and nays he must vote. In other cases he is not required to vote unless the House is equally divided or unless his vote, if given to the minority, would make the division equal. In calling the roll on votes the names of the members are called alphabetically, except that of "Mr. Speaker" which is called last. Frequently the Speaker's vote is necessary to break a tie; to create a tie; to complete a two-thirds vote, or to make a quorum. In the even division of the 1917 House the vote of the Speaker was often the decisive factor in the result. The Speaker has been known to explain his vote, a thing frequently done by members.<sup>126</sup>

Motions have been made by Iowa Speakers, resolutions and petitions have been offered, bills have been introduced, and places on select committees have been assigned them by the House. Not for many years has a Speaker in Iowa introduced a bill, but Speaker Atkinson in the Thirty-sixth General Assembly offered an amendment to a bill.<sup>127</sup>

Not infrequently has the Iowa Speaker exercised his right as a member to speak on measures from the floor of the House. James M. Morgan, when Speaker of the Seventh Legislative Assembly, made a speech forty or fifty minutes in length on the question of State boundaries. It was spoken of as "decidedly the ablest effort that has been made upon the subject of our constitution, admission into

<sup>126</sup> *House Rules*, 1917, Rules 7, 36; *The Des Moines Register*, March 10, 1917; *House Journal*, 1897, p. 283, 1915, p. 704, 1917, pp. 820, 821, 823, 825, 1323, 1999.

<sup>127</sup> *House Journal*, 1843-1844, pp. 33, 132, 203, 1848-1849, p. 219, 1880, p. 12, 1915, p. 1842, 1917, p. 281.

the Union, boundaries &c.” James Grant, Speaker of the Fourth General Assembly, would upon occasion, take the floor for the purpose of answering criticisms and attacks of members. Jacob Butler, in the Tenth General Assembly, made frequent use of the floor in debate. “He would frequently resign the gavel to some other member, descend from the speaker’s stand, walk about half way up the aisle, face about, and address himself to the subject with a vigor of voice, manner and gesticulation that left no doubt of his earnestness.” He used the privilege to such an extent that objection was made. Upon one occasion after he had left the chair and made a violent speech against a bill, Addison Oliver of Monona County, who was opposed to the bill, but still more opposed to the Speaker’s coming down on the floor to speak, protested that “Our Speaker is neglecting the duties of the position to which we elected him, and coming down on this floor to influence our votes; he jumps around among us like a stump-tailed bull in fly-time.”<sup>128</sup> In the Twenty-ninth General Assembly, Speaker Eaton, during the debate on the bill providing for the teaching of music in the public schools of Iowa, left the chair after calling Speaker *pro tempore* Kendall to preside. Kendall recognized Eaton, addressing him as “the gentleman from Mitchell”; and Eaton spoke in favor of the bill. In the Thirty-seventh General Assembly, “Speaker Pitt, on at least two different occasions, addressed the House from the Speaker’s station, which was entirely out of order and not in conformity with the House Rules.”<sup>129</sup>

<sup>128</sup> *Iowa Capitol Reporter* (Iowa City), June 7, 1845; *Pioneer Lawmakers’ Association of Iowa, Proceedings*, 1894, p. 45, 1896, p. 33, 1898, p. 23; *The Annals of Iowa* (First Series), Vol. X, p. 231.

<sup>129</sup> Taken from a letter from W. C. Ramsay, Chief Clerk of the Iowa House of Representatives in 1917, in possession of The State Historical Society of Iowa.

## XIII

## FORMALITIES AT THE CLOSE OF THE SESSION

Corresponding to the installation of the Speaker is the formality in connection with the ending of his services as such toward the close of the session. It has been customary from the very earliest times for resolutions of thanks to be tendered the Speaker for his fair and impartial conduct as presiding officer. While in the First Legislative Assembly there was a call for the yeas and nays on this resolution and three nays were recorded, it has ever since been unanimously adopted. Even the resolution thanking Jacob Butler for his impartial conduct was adopted unanimously. And yet this resolution is not a mere formality. In the realization that the last day of the session has arrived there is a certain sense of impending loss which brings the members closer together in their regard one for another, and the members feel that the Speaker has been as impartial as could be expected—that his rulings were not so partisan as they had seemed in the heat of the struggle.<sup>130</sup>

Sometimes little is done aside from the adoption of the resolution. But oftentimes speeches are made by several of the members. Occasionally the minority members offer a separate resolution of thanks. The Speaker is usually presented with the chair he has occupied during the session, and the gavel he has used in keeping order. Oftentimes other presents are given him. Formerly the Speaker, upon announcing that the House was adjourned *sine die*, delivered a short farewell speech to the House. Frequently the closing hours of a session are utilized for the purpose of relieving the nervous strain occasioned by the work of the last few days in a wild and reckless abandon—a “rough house”. Books and papers, waste baskets and spittoons

<sup>130</sup> *House Journal*, 1838-1839, p. 285, 1841-1842, p. 279, 1864, p. 650.



are thrown at members' heads, attempts to speak are gulfed into silence, and animosities of the session are drowned in hilarity.<sup>131</sup>

## XIV

## THE SPEAKER PRO TEMPORE

Apparently the first two Speakers in the Legislative Assembly of Iowa were very attentive to their duties, for the journals of the first two sessions show no instances of a Speaker *pro tempore*.<sup>132</sup> True, in the Second Legislative Assembly a member took the chair for a few minutes one day in the last week of the session for the purpose of entertaining a resolution of thanks to Speaker Johnstone; but it was not until late in the Third Legislative Assembly that the necessity arose for a Speaker *pro tempore* to preside in the place of the Speaker. Thomas Cox was sick toward the end of the session and not able to attend to his duties regularly. On Tuesday, January 5, 1841, this record was entered in the *House Journal*: "In consequence of the absence of the Speaker, Mr. Lash was appointed Speaker *pro tempore*." How he was chosen is not revealed. Later, on the afternoon of January 11th, Laurel Summers was appointed Speaker *pro tempore* on motion.<sup>133</sup>

<sup>131</sup> *House Journal*, 1858, p. 823, 1860, p. 664, 1864, p. 652, 1866, p. 737, 1882, p. 613, 1902, p. 1290, 1913, pp. 2778, 2779, 1915, p. 2110, 1917, p. 2092; *The Register and Leader* (Des Moines), April 10, 1907, April 10, 1909.

<sup>132</sup> Assuredly there was then, as there is now, a temporary chairman, spoken of in the *Journal* as Speaker *pro tem*, but more properly known as organization Speaker, who presided until the session Speaker was elected. In this section, for the purpose of clearness, the member who calls the House to order on the first day of the session will be termed temporary chairman; the member who is chosen to serve until a permanent Speaker is elected will be spoken of as organization Speaker; the term Speaker *pro tempore* being reserved for the permanent Speaker *pro tempore*, elected to serve throughout the session.

<sup>133</sup> *House Journal*, 1839-1840, p. 221, 1840-1841, pp. 227, 253.

For many years no Speaker *pro tempore* was elected to serve throughout the session as is done to-day. He was not selected until necessity arose, often toward the close of the session. Even then he was appointed or elected sometimes for the day only. Probably this fact was a result of the House rule which provided that "in case of the absence of the regular Speaker, the House may proceed to elect a Speaker *pro tem.*" Accordingly for several years the Speaker *pro tempore* was not elected until along in the session when the Speaker chanced to be absent. Since 1882, however, the practice has been to elect the Speaker *pro tempore* "for the session" very early, usually soon after the Speaker and other officers are selected.<sup>134</sup> An attempt to comply with the rule which provides that he may be elected "in case of the absence of the regular Speaker" is seen in the fact that it was customary for the Speaker to either absent himself or resign the chair during the election of Speaker *pro tempore*. Indeed, in one session the Speaker asked the House to so elect before he resigned the chair. The wording of this rule was changed in 1909 and now reads: "The house shall at its pleasure elect a speaker pro tempore." In the last three sessions the Speaker has retained the chair during the election of the Speaker *pro tempore*.<sup>135</sup>

At present the Speaker *pro tempore* is nominated by the party caucus at the same time as is the regular Speaker, and the formal election in the House is but a ratification of

<sup>134</sup> An exception is found in 1896, when the Speaker *pro tempore* was not elected until February 25th.—*House Journal*, 1896, p. 489, 1882, p. 40, 1884, p. 40, 1886, p. 41, 1900, p. 13, 1917, p. 10.

<sup>135</sup> *House Rules*, 1864, Rule 5, 1909, Rule 5, 1917, Rule 5; *House Journal*, 1843–1844, p. 89, 1850–1851, p. 305, 1858, p. 476, 1862, p. 53, 1874, p. 171, 1878, p. 65, 1880, p. 286, 1888, p. 17, 1892, pp. 20, 21, 1897, p. 30, 1898, p. 101, 1900, p. 13, 1902, p. 14, 1904, p. 9, 1906, p. 9, 1907, p. 9, 1913, p. 14, 1915, p. 12, 1917, p. 10.

this nomination. The election is usually unanimous: infrequently two candidates are presented. In the adjourned session of 1873 the Speaker *pro tempore* of the regular session served without question but at the opening of the extra session of 1897 the Speaker *pro tempore* of the regular session was reelected. The installation of the Speaker *pro tempore* is practically identical with that of the Speaker.<sup>136</sup>

The Speaker *pro tempore* presides in place of the Speaker when that official is absent or resigns the chair and calls him to preside. The Speaker need not necessarily call the Speaker *pro tempore* to the chair when he vacates it; but he does so usually, unless it is when the House goes into committee of the whole.<sup>137</sup> "The acts of the speaker *pro tempore* shall have the same validity as those of the speaker." The Speaker *pro tempore* when in the chair may appoint committees; settle points of order; maintain order; in short—he may exercise all the prerogatives of the office, including the signing of bills. A resolution of thanks is customarily voted to the Speaker *pro tempore*, at the close of the session, for his fair and impartial treatment of members on the occasions when he presided. In 1917 such a resolution was offered in connection with the Speaker *pro tempore*, but was neglected in case of the Speaker himself.<sup>138</sup> Extra pay was given the Speaker *pro tempore* during the

<sup>136</sup> *House Journal*, 1897, p. 30, 1917, pp. 10, 11.

<sup>137</sup> *House Rules*, 1917, Rule 5.

While in 1917 seven members other than the Speaker *pro tempore* were called to the chair by Speaker Pitt, Speaker *pro tempore* McFarlane presided in the majority of cases.—See Index to *House Journal*, 1917.

<sup>138</sup> While the *House Journal* of 1917 shows no evidence of a formal resolution of thanks for the Speaker's services, J. B. Weaver, in presenting Mr. Pitt with a gold watch on behalf of the House, "expressed the appreciation of the house in the fairness of the speaker".—*The Des Moines Register*, April 14, 1917.

Territorial period for the time he served in the chair as Speaker, and the Speaker received no compensation for those days. At the close of the session of the Third Legislative Assembly, John B. Lash received extra compensation for six days service as Speaker *pro tempore* and Laurel Summers was paid according "to the time which he may serve", which was five days. Thomas Cox, the Speaker, was paid only for the time he served and not for the entire session as was the case later.<sup>139</sup>

The compensation, in addition to his salary as a member, which has been awarded the Speaker *pro tempore* since 1846 has been anything but regular. In the First General Assembly, the Speaker *pro tempore* was not paid at all for his services as such, but the organization Speaker was given four dollars for service as presiding officer during two days at the opening of the session. The Speaker received his usual double compensation — two dollars a day for the full length of the session, or eighty-eight days. In 1858, both the organization Speaker and the Speaker *pro tempore* were given pay for the days during which they served in the chair. The Speaker was paid for only the time after his election. In 1862, 1864, and 1866, the Speaker *pro tempore* was paid, but the organization Speaker was neglected. But in 1868 the organization Speaker was the only one to receive compensation, while in 1870 no extra pay was allowed any of the *pro tempore* Speakers. After the contest of 1874 the organization Speaker, who was also later elected Speaker *pro tempore*, received an extra stipend for his work as organization Speaker, but nothing for service in the chair

<sup>139</sup> *House Rules*, 1917, Rule 5; Reid's *Thomas Cox*, p. 174; *The Des Moines Register*, April 3, 1917; *House Journal*, 1840-1841, pp. 243, 272, 274, 276, 294, 1870, pp. 106, 111, 1909, p. 1513, 1913, p. 2250, 1915, pp. 1613, 1922, 1917, pp. 2172, 2173.

The Speaker *pro tempore* of the Thirty-seventh General Assembly signed no bills.

as Speaker *pro tempore*. In this session extra pay was given the Speaker for only the number of days remaining after his election.<sup>140</sup>

In 1890 the custom of paying the temporary chairman — the member from Polk County who calls the House to order — was instituted; probably because he served fifteen days before the organization Speaker was elected. The organization Speaker also served twenty-four days before Speaker Hamilton was elected, and received five dollars a day for the period. Contrary to the precedent of the session of 1874, Speaker Hamilton received extra pay for the full session. Speaker *pro tempore* Silas Wilson was not given extra pay. But the custom of paying both the temporary chairman and the organization Speaker continued down through the Twenty-eighth General Assembly. Since 1900 neither the temporary chairman, the organization Speaker, nor the Speaker *pro tempore* has received extra compensation. Thus it is seen that it was not customary for the Speaker *pro tempore* to receive extra pay even in early times, and that he has not been awarded this appreciation of service at all since 1866.<sup>141</sup>

The Speaker *pro tempore* retains all his rights as a representative from his district.<sup>142</sup> He is assigned to the stand-

<sup>140</sup> *Laws of Iowa*, 1846–1847, Ch. 124, pp. 183–187, 1858, Ch. 161, Sec. 23, p. 416, 1862, Ch. 130, p. 149, 1864, Ch. 104, p. 120, 1866, Ch. 94, Sec. 61, p. 101, 1874 (Private), Chs. 1, 75, pp. 2, 62.

In 1878, 1884, 1886, and 1888, the organization Speaker received extra pay for the two days he served as presiding officer.—*Laws of Iowa*, 1878, Ch. 170, p. 158, 1884, Ch. 129, p. 129, 1886, Ch. 167, p. 202, 1888, Ch. 110, p. 147.

<sup>141</sup> *Laws of Iowa*, 1866, Ch. 94, Sec. 61, p. 101, 1890, Ch. 65, p. 96, 1900, Ch. 149, p. 106.

True, J. G. Newbold, Speaker *pro tempore* in 1874, received sixty dollars for twelve days service in the chair, but it was for service as organization Speaker and not as Speaker *pro tempore*.—*Laws of Iowa*, 1874 (Private), Ch. 1.

<sup>142</sup> Sometimes his election to the position of Speaker *pro tempore* is due to a

ing committees as is any other member, he votes, speaks on bills, offers amendments, and even introduces bills. Very infrequently is his position one of much power. In the session of 1890, the unsuccessful candidate for the speakership was made Speaker *pro tempore* and was accorded the privilege of making up the minority representation on the standing committees. Throughout the session he was the possessor of much more power as the leader of his party than the Speaker *pro tempore* usually obtains. While the prominence and power of the Speaker *pro tempore* are not comparable to that of the Speaker, he is compensated by the fact that he is not censured and criticised by the members as is the Speaker.<sup>143</sup>

CYRIL B. UPHAM

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desire to eliminate the necessity of considering him as a candidate for chairman of an important committee.

<sup>143</sup> *The Des Moines Leader* (Weekly), February 27, 1890. See Index to *House Journal*, 1917.

## THE AMERICAN OCCUPATION OF IOWA 1833 TO 1860

The purpose of this paper is to summarize the settlement of Iowa between the years 1833 and 1860. An examination of the maps of settlement which accompany the census reports published by the United States government will show that by the latter year the territory included within the present boundaries of Iowa had been occupied with the exception of a portion, somewhat triangular in shape, in the northwest. Even here islands of settlements are shown in the uncolored area and a colored line extending up the Missouri indicates that the population had reached the southeastern corner of the present State of South Dakota. On the other hand there were comparatively few white settlers within the present boundaries of the State before 1833. It had been crossed by explorers, however, some of whom had declared it unfit for habitation, and a few French and American traders had built trading posts along its eastern border. These may be considered briefly before taking up the subject of actual settlement.

Mr. Jacob Van der Zee in his *Episodes in the Early History of the Des Moines Valley*, published in THE IOWA JOURNAL OF HISTORY AND POLITICS for July, 1916, says that cattle were driven from points in Missouri through the Iowa country to Selkirk's settlement on the Red River in 1815 and 1821. The route used in this trade by Dixon and McKnight in 1822, is shown on "I. Judson's Map of the Territory of Iowa in 1838". During this same period a military expedition was traversing the State on its way from Council Bluff to the mouth of the St. Peter's (Minne-

sota) River. It was a detachment from Major Long's expedition led by Captain Magee of the Rifle Regiment sent out for the purpose of opening a road between Council Bluff and the military post recently constructed on the Mississippi River. Accompanying the party was Stephen Watts Kearny to whom we are indebted for our knowledge of the expedition.<sup>1</sup> Leaving Camp Missouri on July 2, 1820, the company consisting of about twenty men followed a route leading in a general northeasterly direction, veering occasionally either to the east or to the north, finally arriving at Camp Cold Water twenty-three days later. "A very great portion of the country in the neighborhood of our route", Kearny wrote in his journal, "could be of no other object (at any time) to our gov't . . . than the expulsion of the savages from it . . . for the disadvantages (as above) will forever prevent its supporting more than a thinly scattered population. The soil generally we found good, but bears no comparison to that I saw between *Chariton & C. B.*"<sup>2</sup>

But the earliest white settlements were not made in that

<sup>1</sup> *Journal of Stephen Watts Kearny*, edited by Valentine M. Porter, in the *Missouri Historical Society Collections*, Vol. III, pp. 14, 15.

This expedition was a part of Calhoun's plan for opening routes and erecting military posts along the entire frontier.—See Goodwin's *A Larger View of the Yellowstone Expedition, 1819-1820*, in *The Mississippi Valley Historical Review*, Vol. IV, pp. 299-313.

<sup>2</sup> *Missouri Historical Society Collections*, Vol. III, pp. 14, 15, 104, 106, 107.

A somewhat similar estimate of the Iowa country was given in the *St. Louis Enquirer*, edited by Thomas H. Benton, in 1819: "After you get forty or fifty miles west of the Mississippi the arid plains set in. The country is uninhabitable except upon the borders of the rivers and creeks. The Grand Prairie, a plain without wood or water, which extends to the northwest farther than hunters or travelers have ever yet gone, comes down to within a few miles of St. Charles and so completely occupies the fork of the Mississippi and Missouri rivers that the woodland for three hundred miles of each forms a skirt from five to twenty miles wide, and above that distance the prairie actually reaches the rivers in many places."—Quoted in Gue's *History of Iowa*, Vol. I, p. 132.



part of the State through which Kearny passed. The best known among the early French residents of the territory of Iowa and perhaps the first white man to settle within the present boundaries of the State was the French-Canadian, Julien Dubuque. He won favor with the chief of the Fox Indians, and in September, 1788, received from this friendly leader a claim to about one hundred and fifty thousand acres of land extending along the western bank of the Mississippi and including the site where the present city of Dubuque is located. This is said to have been the "first conveyance of Iowa soil to the whites, by the Indians".<sup>3</sup> Dubuque had already examined the country included in the cession and had concluded that lead mining could be profitably conducted. The actual work in the mines was done by Indian women and by old men of the Fox tribe whom Dubuque employed for the purpose, but he brought ten Canadians from Prairie du Chien to assist him in superintending and directing operations.

But Dubuque did not confine himself to mining. Farms were cleared and fenced, houses were erected and a mill opened. A smelting furnace was constructed on a point now known as Dubuque Bluff. He opened a store and exchanged goods with the Indians for furs. Twice each year his boats went to St. Louis loaded with ore, furs, and hides, and re-

<sup>3</sup> Negus's *The Early History of Iowa* in *The Annals of Iowa* (First Series), Vol. V, p. 877. See also Gue's *History of Iowa*, Vol. I, Ch. X.

Dubuque's title was later confirmed by the Governor of Louisiana territory, Carondelet. In 1805 he and August Chouteau, to whom he had given some of the land for the purpose of canceling a debt, filed a claim with the United States for a title. The land for which this petition was made extended along the west bank of the Mississippi for a distance of twenty-one miles and was nine miles wide. The claim remained unsettled for nearly half a century. The courts finally decided, long after Dubuque and Chouteau were in their graves, that the original grant made by the Indians in 1788 and the subsequent confirmation of that grant made by the Spanish Governor Carondelet in 1796 were both in the nature of permits or leases to mine lead on the lands described.—Gue's *History of Iowa*, Vol. I, pp. 113, 114.

turned with goods, supplies, and money. These semi-annual trips became important events at St. Louis, and he was recognized as one of the largest traders in the Upper Mississippi Valley. For twenty-two years, until his death in 1810, Dubuque and his Canadian countrymen lived among the Indians, worked the mines and carried on trade, and his headquarters became widely known as the "Mines of Spain".

Two other settlements had been made within the present boundaries of the State during the period in which Dubuque was operating in the vicinity of the place which still bears his name. One of these was within the present limits of Clayton County, and was known as the Giard Tract. Basil Giard, a French-American, had received more than five thousand acres of land here in 1795 from the Lieutenant Governor of Louisiana. The grant was later confirmed by the United States after that country acquired Louisiana, and the patent issued to Giard was said to have been the first legal title to land obtained by a white man within the boundaries of the State of Iowa.<sup>4</sup> Another settlement was made during this early period by Louis Honoré Tesson, a French-Canadian, in 1799. Having received permission from the Lieutenant Governor of Louisiana, he built a trading post in Lee County where the town of Montrose now stands. Here he planted an orchard, and raised corn, potatoes, and other products for several years. His heirs received a confirmation of the grant from the United States in 1839.<sup>5</sup>

After Dubuque's death the Indians took possession of the mines, expelling the whites and evidently working them at intervals during the next twenty years. In the latter

<sup>4</sup> Gue's *History of Iowa*, Vol. I, pp. 111, 116, 117.

<sup>5</sup> Gue's *History of Iowa*, Vol. I, p. 117.

part of the third decade of the nineteenth century the lead mines in northern Illinois and in southwestern Wisconsin attracted settlers by the thousands.<sup>6</sup> Among these enthusiasts was a New Englander by the name of James L. Langworthy. Having explored the old "Mines of Spain", he brought a company of operators to the west bank of the Mississippi in 1830, and again the white men began to smelt lead ore in the land once claimed by Dubuque. The new mining camp soon attracted settlers from the east bank of the Mississippi. The settlement of these squatters west of the river was in violation of the treaty compacts between the United States and the Indian tribes, and the government was soon requested to remove the intruders. Accordingly troops were sent over in 1831, the settlers were driven back to the east bank of the river, and a detachment was left at the mines to protect the Indians against further intrusion.<sup>7</sup>

In 1832 the Black Hawk Purchase was concluded. By this the United States secured from the Indians the cession of a strip of territory about fifty miles wide extending along the western bank of the Mississippi from the northern boundary of Missouri to the vicinity of a parallel running through Prairie du Chien.<sup>8</sup> The acquisition of this territory marks the real beginning of white settlements in Iowa. Not until several years later, however, when land sales were held, were the occupants able to procure actual title to the soil, but the mere absence of a title was not enough to check the advance of the frontiersmen. They came in large

<sup>6</sup> For a brief summary of lead mining in this region see Thwaites's *Early Lead-Mining in Illinois and Wisconsin* in the *Annual Report of the American Historical Association*, 1893, pp. 191-196.

<sup>7</sup> Gue's *History of Iowa*, Vol. I, pp. 155, 156.

<sup>8</sup> Toole's *Sketches and Incidents Relating to the Settlement of Louisa County* in *The Annals of Iowa* (First Series), Vol. VI, p. 50.

numbers, selecting the most advantageous sites along the rivers which flowed into the Mississippi. Burlington, Sandusky, and Fort Madison were occupied by white settlers during 1833. Into the Indian village of "Puck-e-she-tuk" whites had come as early as 1830. A school had been established there by 1833, possibly three years earlier. In 1835 the name was changed to Keokuk.<sup>9</sup> The strip included in the purchase had been divided into two counties. The territory north of the Iowa River was organized as Dubuque County, while the part of the purchase south of that stream was known as Des Moines County. At first these counties were attached to Michigan for governmental purposes but when that Territory was admitted to Statehood they were annexed to Wisconsin.<sup>10</sup>

By the spring of 1836 the frontier had been extended to Round Prairie in Jefferson County.<sup>11</sup> During that same year pioneers were exploring the valley of the Iowa River in the vicinity of Iowa City selecting claims and building cabins. During the following year they brought their families and induced others to migrate with them from Indiana into this remote western country.<sup>12</sup> In 1839 Iowa City was laid out and became the capital of the newly created Territory. To guide immigrants who were moving west and to

<sup>9</sup> *The Annals of Iowa* (First Series), Vol. V, pp. 890-894. See also McCarty's *History of Palo Alto County, Iowa*, p. 12. McCarty says Keokuk was laid out in 1837.

There is reason to believe that trading posts or settlements had been established at Sandusky, Burlington, and Fort Madison by 1820.—See Campbell's *Recollections of the Early Settlement of Lee County in The Annals of Iowa* (First Series), Vol. V, pp. 883, 884.

<sup>10</sup> Parrott's *Recollections of the Early Settlement of Lee County in The Annals of Iowa* (First Series), Vol. VI, p. 182.

<sup>11</sup> Taylor's *Recollections of Thirty-four Years Ago in The Annals of Iowa* (First Series), Vol. VIII, p. 337.

<sup>12</sup> Irish's *History of Johnson County, Iowa*, in *The Annals of Iowa* (First Series), Vol. VI, pp. 23-26.

encourage them to move into the village capital one Lyman Dillion was employed to plow a furrow between Iowa City and Dubuque, a distance of a hundred miles.<sup>13</sup> By the beginning of 1840 twenty families had settled at the former place.<sup>14</sup>

The population of Iowa in 1836 was estimated at 10,531 and the number had increased to 22,859 by 1838. By 1840, according to the census of that year, there were more than 43,000 people living in the Territory.<sup>15</sup> This means that from 1836 to 1840 the population practically doubled every two years — in fact it more than doubled during the first two. A glance at the census map showing the population of the United States in 1840 indicates that the southern part of the Black Hawk Purchase had been pretty completely occupied, and that the frontier line of settlement approached the Mississippi as it extended northward from Missouri's northern boundary, finally touching that river in the vicinity of the forty-third parallel.

This rapid growth was due in part doubtless to the advertising which Iowa received in the public press. In March, 1839, a correspondent in the *Buffalo Journal* had declared "that taking into consideration the soil, the timber, the water, and the climate, Iowa territory may be considered the best part of the Mississippi valley. The Indians so consider it, as appears from the name which they gave it. For it is

<sup>13</sup> *The Annals of Iowa* (First Series), Vol. VI, p. 107.

<sup>14</sup> *The Annals of Iowa* (First Series), Vol. VI, p. 108.

<sup>15</sup> Gue's *History of Iowa*, Vol. I, p. 185; *Niles' Register*, Vol. LIX, p. 40. The population by counties is given as follows: Clayton, 1945; Delaware, 171; Dubuque, 3056; Jackson, 1432; Jones, 475; Clinton, 800; Linn, 1385; Scott, 2193; Muscatine, 1042; Cedar, 1225; Johnson, 1504; Louisa, 1925; Washington, 1572; Henry, 3782; Jefferson, 2780; Van Buren, 6030; Lee, 6096; Des Moines, 5646; attached to Van Buren, 136.

For the population of Iowa in 1836 see Albach's *Annals of the West* (Second Edition), p. 802.

said that the Sioux [Sac] and Fox Indians, on beholding the exceeding beauties of this region, held up their hands, and exclaimed in an ecstasy of delight and amazement, I-O-W-A, which in the Fox language means, 'this is the land.' ''<sup>16</sup> On June 29, 1839, it was reported in *Niles' Register* that one of the citizens of Cincinnati had just returned from a tour of Iowa and had stated that the prospects for an exceptional harvest were the best he had ever seen anywhere.<sup>17</sup> During the fall of this same year the public land sales in Iowa City alone were at the rate of about five thousand dollars a day. Those lots fronting the public square where the State House was to be erected brought from four to six hundred dollars each.<sup>18</sup> In Burlington, the proceeds of the first four days of the sale in 1840 amounted to nearly seventy-six thousand dollars.<sup>19</sup> The *Chillicothe Ohio Gazette* reported in May, 1840, that between one and two hundred people were leaving that city to settle "near the centre of what will probably be the capital of Iowa, at the head of navigation on the Des Moines river."<sup>20</sup> The *Burlington Gazette* in the fall of 1840 stated that "the health of Iowa territory is, thus far this season, universally good. The crops of wheat, rye and oats have been as abundant as usual, and the crop of corn will be very large."<sup>21</sup>

These comments with scores of others like them played

<sup>16</sup> Quoted in *Niles' Register*, Vol. LVI, p. 48.

<sup>17</sup> "He spoke to us particularly of one field of wheat, which he saw on the prairies, consisting of six hundred and forty acres, which was a perfect level, so that it could be taken into one view, and was handsomely fenced; the stalks were then two feet and a half high, and the growth most luxuriant. We would go a day's ride to see such a field of wheat as that."—Quoted in *Niles' Register*, Vol. LVI, p. 277.

<sup>18</sup> *Niles' Register*, Vol. LVII, p. 128.

<sup>19</sup> *Niles' Register*, Vol. LVIII, p. 73.

<sup>20</sup> *Niles' Register*, Vol. LVIII, p. 182.

<sup>21</sup> *Niles' Register*, Vol. LIX, p. 40.

no small part in directing the attention of homeseekers to Iowa. As the number of immigrants increased in the Black Hawk Purchase and as the pressure of white settlers against the Indian territory along the western border of this strip became greater, it proved necessary to draw up additional treaties with the Indians in order to open more territory to the covetous frontiersmen. In 1837 and again in 1842 treaties were concluded with the Sac and Fox Indians by which the entire central and south-central parts of Iowa were thrown open to white settlers, except a strip about sixty-five or seventy miles wide along the western border of the territory.<sup>22</sup> By the terms of the latter treaty the Indians were given until the first of May, 1843, to yield possession of the eastern half of the cession, and three years in which to surrender the western half.

This condition did not prevent the Americans from exploring the country during the interval, but army officers patrolled the territory to check any attempt which the former might make to run lines or to mark off claims. The new acquisition was well known to the frontiersmen therefore when on April 30, 1843, men who had gathered along the border of the unoccupied Indian country waited and listened for the discharge of fire arms which would announce the hour of midnight and the time that formally opened the land to settlers. Between midnight of April 30th and sundown of May 1st, it is said that at least a thousand settlers staked their claims within the boundaries of Wapello County alone. Ottumwa on the Des Moines was surveyed at once, and about four hundred lots were laid out.

<sup>22</sup> Royce's *Indian Land Cessions in the United States* in the *Eighteenth Annual Report of the Bureau of American Ethnology*, Pt. 2, pp. 766, 767, 778, 779. The excellent maps and notes in this volume are very valuable for working out the Indian land cessions in the various States. The cessions in Iowa covered the years 1824 to 1851.

Eddyville, Agency City, and Dahlonga also sprang up over night as it were.<sup>23</sup> Not only was the land along the rivers taken up by these immigrants, but they began to occupy the intervening spaces between the streams. Illinois, Ohio, Indiana, Kentucky, and Missouri furnished the most of the population, but there were settlers who came from Wisconsin, Virginia, and Pennsylvania.<sup>24</sup>

In order to protect the occupants from Indian depredations and to prevent the encroachment of the whites on Indian lands, Fort Des Moines was built in 1843 near the frontier. The rapid influx of settlers produced increasing dissatisfaction among the red men along the border as a result of which, six years later, Fort Clark was erected farther west on the Des Moines River. The name was later changed to Fort Dodge, and in 1853 the troops were moved from Fort Dodge still farther north to Fort Ridgely on the Minnesota River. During the following year the town of Fort Dodge was laid out and became the distributing center for northwestern Iowa.<sup>25</sup>

In the spring of 1846 the Mormons were compelled to leave Nauvoo. During their westward migration through southern Iowa many of them stopped within that Territory and erected homes. Settlements were made at Garden Grove in the northeastern part of Decatur County, near

<sup>23</sup> Biggs's *Sketches of the Sac and Fox Indians and the Early Settlement of Wapello County* in *The Annals of Iowa* (First Series), Vol. III, p. 481; Boyd's *Sketches of History and Incidents Connected with the Settlement of Wapello County, from 1843 to 1859, Inclusive*, in *The Annals of Iowa* (First Series), Vol. VI, p. 38.

<sup>24</sup> Horn's *History of Davis County, Iowa*, in *The Annals of Iowa* (First Series), Vol. III, p. 436.

<sup>25</sup> McCarty's *History of Palo Alto County, Iowa*, pp. 12, 13, 28. During the year 1848, McCarty says, some surveyors who had crossed the Des Moines River into the Indian country were attacked by savages, their instruments broken and the surveyors themselves were driven back across the river. As a result of this Fort Dodge was built.



Osceola in Clark County, in the eastern part of Union County, in the southwestern part of Cass County, and in the southern part of Mills County. But the principal Mormon settlement was near Council Bluffs.<sup>26</sup> These thrifty people thus made generous contributions to the settlement of the country in southwestern Iowa. Other settlers had moved into this section by 1847, and with the great overland immigration through southern Iowa to California in 1849 and in 1850 Kanesville (Council Bluffs) became a typical frontier town like Weston and Independence in Missouri.<sup>27</sup>

Iowa never attracted foreigners in the same proportions as did Illinois, Wisconsin, and Minnesota, but in 1847 there came to Marion County a company of earnest and thrifty Hollanders who made no small contribution to the intelligence and industry of the State. About a thousand of them had left Holland under the direction of Henry Peter Scholte. From New York they had gone west to St. Louis and here Scholte left them while he set out accompanied by a chosen committee to select a home for his colony in Iowa. Land was offered them in Lee County but the title appeared doubtful and Scholte decided to seek advice from the agent of the United States land office at Fairfield in Jefferson County. After carefully investigating the selections to which his attention had been directed Scholte persuaded his companions to agree to buy from pioneers who had not completed payments on their claims and who did not therefore have clear titles.

While Scholte busily examined the maps of the land office

<sup>26</sup> Negus's *The Early History of Iowa* in *The Annals of Iowa* (First Series), Vol. IX, pp. 578, 579.

<sup>27</sup> For a good account of Council Bluffs see Babbitt's *Early Days at Council Bluffs*. *The Annals of Iowa* (First Series), Vol. IX, pp. 670-672, gives material on Council Bluffs as a frontier community.

in Fairfield other members of the committee were investigating the country in that vicinity. Finally, upon the recommendation of a Baptist missionary whom they met by chance the committee decided to investigate lands on the frontier about seventy miles west of Fairfield. On July 29, 1847, the missionary acting as guide conducted the committee into the section located in the northeastern part of what is now Marion County. So well pleased were they with the country and with the terms which they were able to make that deals were closed immediately with several pioneers living in the vicinity of the present town of Pella and south along the Des Moines River. Having purchased the land and completed other arrangements for accommodating the company the committee returned to St. Louis where their friends were awaiting their report.<sup>28</sup>

When the five committeemen made a report to their comrades in that city nearly all of them were eager to move northward immediately. Some of the members of the company, however, had secured profitable employment in St. Louis and it was decided to have them continue at their work temporarily while the others went ahead and prepared homes. About five or six hundred of the party, having supplied themselves with an adequate supply of food and clothing, took passage on a Mississippi River steamer and arrived at Keokuk within two days. Horses, wagons, and other things essential for an overland journey were purchased, and the company proceeded up the Des Moines Valley, arriving at their destination in August, 1847. Scholte had made a contract with some Americans for the construction of fifty log cabins and for the delivery of some lumber, all of which was to have been attended to before the

<sup>28</sup> Van der Zee's *The Hollanders of Iowa*, Chs. VIII, IX, and X, provided the most of the data on the Hollanders given above. See also *Niles' Register*, Vol. LXXIII, pp. 48, 167.

company's arrival, but these things had not been done. The Hollanders were keenly disappointed, for they had hoped to find at least the materials for their homes.<sup>29</sup>

Despite such a discouraging beginning the company proceeded at once to lay out a town which they called Pella, and to construct temporary dwellings to shelter them while they selected their lands, prepared to till the soil and to build more substantial homes. The streets of Pella — "Strooijen Stad" or Straw Town as it was called — were given such names as Extension, Addition, Washington, Franklin, Columbus, Liberty, Union, and Independence; while the avenues were called Perseverance, Inquiring, Reformation, Gratitude, Patience, Experience, Confidence, Expectation, and Accomplishment. In a few years these streets and avenues were lined with rows of simple wooden houses interspersed with a few dwellings of red brick, and the eighteen thousand acres of fertile land which Scholte had selected were converted into profitable farms on which the owners had constructed comfortable homes. Wild fruits grew in abundance in the woods, and on their farms the Hollanders raised good crops of Indian corn, flax, wheat, buckwheat, and vegetables. From their cows which were provided with shelter during the long winter, contrary to the custom of the American frontiersmen, the Dutch obtained generous quantities of rich milk and made more than enough butter and cheese to supply their own needs. In

<sup>29</sup> "Imagine a number of bakers, tailors and shoemakers, painters, office-clerks, business managers, and such like", exclaims their historian, "who had all their lives been used to the city life of Europe — some of whom hardly knew what a cow or a pig looked like, nor had the slightest knowledge of farm implements; who had left neat and comfortable homes and had never known or seen others — imagine such people suddenly transplanted to an open prairie, with here and there some timber, seeing nothing but grass, trees and sky, and finding no protection against the elements! . . . It takes but a few lines to tell it, but to live it is something wholly different." — Quoted in Van der Zee's *The Hollanders of Iowa*, p. 68.

fact "Iowa cheese", which was shipped by these thrifty farmers, became famous in the St. Louis market.<sup>30</sup>

Irish and German immigrants formed settlements south of the Hollanders, the former occupying fertile lands in the western part of Monroe County and the latter selecting what was considered a barren country on Coal Creek, sometimes called the Dutch Ridge. The Irish on account of their poverty were compelled to make their meager resources yield the largest possible returns, and by selecting fertile lands were soon living in comfort. The Germans, although in possession of sufficient funds to pay for the best in the country, selected the ridge lands which were covered with white oaks and dense undergrowth where they too established a prosperous community and lived a comparatively isolated political life.<sup>31</sup>

The United States census reports show that nearly one hundred and fifty thousand people moved into Iowa during the decade ending in 1850. These immigrants, as shown by the maps accompanying the reports, had occupied the eastern and southern parts of the State, with the exception of a very small area in the extreme northeastern corner and a circle around the present town of Quincy near the center of Adams County in the southwest. The entire north and northwestern parts of the State were still unoccupied. The decade beginning in 1850 was to witness a migrating tide which was to sweep over the waste places of the State and to inundate the valleys and hills with more than sufficient human energy to build up a Commonwealth of the first rank.

There were several things which encouraged migration during this period. Railroad lines had been completed to the Mississippi, and so the eastern border of Iowa was

<sup>30</sup> Van der Zee's *The Hollanders of Iowa*, pp. 77, 78.

<sup>31</sup> Hickenlooper's *An Illustrated History of Monroe County, Iowa*, pp. 188, 190.

easily reached. It was during this decade also that the railroads began advertising western lands. Land speculators and land companies offered inducements which appeared most alluring to the land hungry men of the more densely populated areas farther east. Guides for emigrants were published in great quantities, and articles "containing glowing accounts of the beauty, advantages, and fertility of the Iowa country appeared in hundreds of Eastern newspapers until the name 'Iowa' became a household word; and those who were so fortunate as already to own a home in that far-famed State wrote enthusiastic letters to their relatives and former neighbors urging them to come and share in their prosperity."<sup>32</sup>

These inducements combined with a fatal epidemic of cholera in the middle States and a severe drought throughout the Ohio Valley during the summer of 1854 brought homeseekers to Iowa by the thousands, particularly during the years 1854 to 1856. "The immigration into Iowa the present season is astonishing and unprecedented", writes Mr. Clark quoting from an account published in an Eastern journal in June, 1854. "For miles and miles, day after day, the prairies of Illinois are lined with cattle and wagons, pushing on toward this prosperous State. At a point beyond Peoria, during a single month, seventeen hundred and forty-three wagons had passed, and all for Iowa. Allowing five persons to a wagon, which is a fair average, would give 8715 souls to the population." "Commenting on this statement," continues Mr. Clark, "an Iowa City editor added: 'This being but the immigration of the month, and upon one route only out of many, it would not be an unreasonable assertion to say that 50,000 men, women, and

<sup>32</sup> Clark's *The Westward Movement in the Upper Mississippi Valley During the Fifties* in the *Proceedings of the Mississippi Valley Historical Association*, 1913-1914, p. 215.

children will have come into this State by the first of December, reckoning from the first of September.' ''<sup>33</sup>

During the fall and early winter of 1854 there was an almost uninterrupted procession of immigrants crossing the ferries at Prairie du Chien, McGregor, Dubuque, Burlington, Davenport, and Keokuk. Sometimes they had to wait in camp two or three days for their turn to cross. It was estimated that twenty thousand people crossed the ferry at Burlington in thirty days, and at the end of that period the number increased to six or seven hundred a day. About one wagon in a hundred was marked Nebraska, the others were to halt in Iowa. And even at Keokuk such large numbers of settlers came in by boat that a journalist was led to say that 'by the side of this exodus, that of the Israelites becomes an insignificant item, and the greater migrations of later times are scarcely to be mentioned.' It was said that one thousand people from Richland County, Ohio, alone, came to Iowa that fall; while long double-header trains brought into Chicago thousands of home-seekers every week.<sup>34</sup>

In 1855 the number of people seeking homes in Iowa apparently increased. The report of the land office for the year ending June 30, 1855, shows that more than three and a quarter million acres of public lands had been occupied. With the exception of Missouri this was more than double the amount sold in any other State in the Upper Mississippi Valley during the year indicated. The land offices within the State found it impossible to keep up with their work.

<sup>33</sup> Quoted in Clark's *The Westward Movement in the Upper Mississippi Valley During the Fifties* in the *Proceedings of the Mississippi Valley Historical Association*, 1913-1914, p. 216.

<sup>34</sup> Clark's *The Westward Movement in the Upper Mississippi Valley During the Fifties* in the *Proceedings of the Mississippi Valley Historical Association*, 1913-1914, p. 217.

At the Decorah land office in northeastern Iowa " 'the rush was so great that the crowd would fill up the passage way to the office at night and stand on their feet till morning, in order to be first in. Some froze their toes and some their feet waiting for the office to open.' Finally, the scheme of drawing numbers for turns was hit upon, and since the land office could attend to only a certain number of purchases per day, those who drew large numbers betook themselves to their homes and returned a month or two later in time to take their turns.'"<sup>35</sup>

During the two years from 1854 to 1856 there was an increase of more than one hundred and ninety thousand in Iowa's population.<sup>36</sup> That is, the number of settlers who came during those two years almost equalled the total population of the State in 1850. "Seek whatever thoroughfare you may and you will find it lined with emigrant wagons. In many instances large droves of stock of a superior quality are met with. On our last days drive . . . we met 69 covered wagons seeking a home in the valley of the Des Moines." "The Immigration to Iowa this season [1855] is immense far exceeding the unprecedented immigration of last year, and only to be appreciated by one who travels through the country as we are doing, and finds the roads everywhere lined with movers." The steam ferry at Rock Island running one hundred trips a day was not able to accommodate the traffic.<sup>37</sup>

<sup>35</sup> Quoted in Clark's *The Westward Movement in the Upper Mississippi Valley During the Fifties* in the *Proceedings of the Mississippi Valley Historical Association*, 1913-1914, pp. 218, 219.

<sup>36</sup> Quoted in Clark's *The Westward Movement in the Upper Mississippi Valley During the Fifties* in the *Proceedings of the Mississippi Valley Historical Association*, 1913-1914, pp. 218, 219.

<sup>37</sup> Quoted in Clark's *The Westward Movement in the Upper Mississippi Valley During the Fifties* in the *Proceedings of the Mississippi Valley Historical Association*, 1913-1914, p. 218.

These people came into Iowa by the hundreds of thousands during the decade ending in 1860. The majority passed on through the settled area to the frontier; others moved into the intervening spaces between the older settlements; and a few bought improved lands thus freeing the original owners who themselves joined the canvas-covered trains that were traveling toward the West. In May, 1855, the first settlement was made in Palo Alto County near the present town of West Bend. The immigrants came in ox wagons from Benton County through the frontier settlements along the trail from Fort Dodge known as the military road. The soldiers had passed over the route when they moved from Fort Dodge to Fort Ridgely, and subsequent supply wagons had left their marks on the prairie grass.<sup>38</sup> About a year later, in the summer of 1856, a settlement of about forty people was made in the vicinity of Spirit Lake near the northern border of the State. Other settlements were established farther west in Woodbury, in Cherokee, and in Clay counties before 1857.<sup>39</sup> During the year 1856 a colony of seven Irish families from Kane County, Illinois, made settlements about two miles northwest of the present city of Emmetsburg, and in a short time they were joined by many of their countrymen. Just east along the Des Moines settlers had already located (1855) at Dakota City in Humboldt County, at Algona farther north, and at Bancroft in Kossuth County. Scattered settlements might be found at Smithland and at other places in the valley of the Little Sioux.<sup>40</sup>

A brief summary of the growth of the population of Iowa and of the rapid shifting of her frontier line during the

<sup>38</sup> McCarty's *History of Palo Alto County, Iowa*, p. 15.

<sup>39</sup> Levering's *Recollections of the Early Settlement of Northwestern Iowa* in *The Annals of Iowa* (First Series), Vol. VIII, pp. 275-279.

<sup>40</sup> McCarty's *History of Palo Alto County, Iowa*, Chs. III and IV.



period covered will make a suitable conclusion to this cursory study of the settlement of the State. We have seen that the population in 1836<sup>41</sup> was estimated at 10,531, and that this number had increased to 22,859 in 1838. The census of 1840 gives the Territory a population of 43,112. Ten years later there were 192,214 inhabitants in Iowa. In 1860 the total population was 674,913. This gives the average annual number of immigrants during the period from 1840 to 1850 at a little less than 15,000, but this figure increased to more than 48,000 for the decade ending in 1860. Such rapid growth in the Territory's population during these twenty years produced an almost constant shifting of the frontier line. In 1840 the frontier followed approximately a line running through Ottumwa and Iowa City, finally touching the Mississippi in the vicinity of the present town of Guttenberg.<sup>42</sup> By 1850 it had moved out toward the center of the State. If a line were drawn from the southwest to the northeast corner there would be tongues of settlement west and north of that line in the Missouri and Des Moines valleys, and there would be unsettled areas east and south of the line in the vicinity of modern Quincy, Marshalltown, and Oelwein. But the settled area west and north of such a line would hardly fill the unsettled parts east and south of it. By 1860, however, this line marking the settled from the unsettled area had been pushed into the northwestern corner of the State, and even there the white space on the map contains splashes of color indicating that settlers had occupied a part of this section. An additional illustration of the rapid growth of the State is indicated in the organ-

<sup>41</sup> Gue, in his *History of Iowa*, Vol. I, p. 157, says that in 1832 the white population of Iowa was probably not more than fifty.

<sup>42</sup> See maps showing the population of the United States for 1840, 1850, and 1860 in *Statistics of the Population of the United States at the Tenth Census*, Vol. I.

ization of the counties. In 1840 the Territory had contained but eighteen counties; in 1850 the State had forty-nine. The number had increased to ninety-seven in 1860 — only two less than were found in the State in 1880.<sup>48</sup>

Thus by 1860 Iowa had completely emerged from the oblivion to which Kearny and others had consigned it forty years earlier and had become one of the prosperous States of the Union.

CARDINAL GOODWIN

MILLS COLLEGE  
MILLS COLLEGE CALIFORNIA

<sup>48</sup> *Statistics of the Population of the United States at the Tenth Census*, Vol. I, p. 59.

## SOME PUBLICATIONS

*The Valley of Democracy.* By Meredith Nicholson. New York: Charles Scribner's Sons. 1918. Pp. 284. Plates. To be interested in the impressions received by visitors in their country or locality is an American characteristic and the inhabitants of the Mississippi Valley are typical Americans in this respect, at least. Consequently, this collection of articles on the Valley of Democracy will be read with interest in this section and possibly in other parts of the United States as well.

The title of the volume, derived from John H. Finley's *The French in the Heart of America*, suggests the point of view of the author as well as the main theme of the book. The six papers or chapters which make up the volume are presented under the following heads: The Folks and Their Folksiness; Types and Diversions; The Farmer of the Middle West; Chicago; The Middle West in Politics; and The Spirit of the West. Iowa readers will be particularly interested in the description of the life of the farmer, the part of the West in social legislation, and in the tribute paid to the "gallant company of scholars who have established Middle Western history upon so firm a foundation"—the various State historical societies of this section.

While this is in no sense a history, the descriptions of types and modes of life, and the analysis of the political activities of the West make these papers valuable and interesting to the student as well as to the general reader.

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The first volume of *The Papers of Thomas Ruffin*, collected and edited by J. G. de Roulhac Hamilton, forms the ninth volume in the series of *Publications of the North Carolina Historical Commission*.

A monograph on *Northern Opinion of Approaching Secession*, by Lawrence Tyndale Lowrey, constitutes the July number of the

*Smith College Studies in History.* The October number is taken up with a discussion of *The Problem of Administrative Areas*, by Harold J. Laski.

*The Illinois Centennial*, by Andrew Stuart Cuthbertson; *Gen. Arthur St. Clair — First Governor of the Northwest Territory*, by John N. Boucher; *Americans as Conquistadores and Annexationists*, by Charles W. Super; and a continuation of the *Chapters in the History of Halifax, Nova Scotia*, by Arthur Wentworth Hamilton Eaton, are some of the contributions which appear in the October number of *Americana*.

The *Bulletin of the Virginia State Library* for January to April contains *A Contribution to the Bibliography of Agriculture in Virginia*, edited by Earl G. Swem, from the manuscript of N. F. Cabell.

The autumn number of *The American Indian Magazine* contains a report of the seventh annual conference of the Society of American Indians held at Pierre, South Dakota, in September, 1918. A resolution asking for citizenship for the Indians and the abolition of the Indian Bureau is included.

*Principles of Esthetic Form in the Art of the North Pacific Coast*, by Herman K. Haeberlin; *A Point of Grammar and a Study in Method*, by A. M. Hocart; *Form and Content in Totemism*, by A. A. Goldenweiser; *A Porto Rican Burial Cave*, by Robert T. Aitken; and *Frederico Gonzalez Suarez*, by Marshall H. Saville, are articles in the July-September number of the *American Anthropologist*. The proceedings of the American Ethnological Society and those of the Anthropological Society of Washington are also included.

The October number of *The South Atlantic Quarterly* contains the following articles of general interest: *Returning the Soldier to Civilian Life*, by Chase Going Woodhouse; *The Albanian Question and Epirus*, by N. J. Cassavety; *Celtic Books and Their Future*, by Sidney Gunn; *Puritanism and Conformism*, by H. M. Ellis; and *The History Teacher as an Image Breaker*, by Earle D. Ross.

*Present-Day Superstitions at La Harpe, Ill., Survivals in a Community of English Origin*, by Ethel Todd Norlin, is one of the arti-

cles in the April-June number of *The Journal of American Folk-Lore*. The locality from which these surviving superstitions were collected is some twenty miles southeast of Burlington, Iowa. The following number is entirely devoted to a monograph on *Porto-Rican Folk-Lore*, by J. Adden Mason, edited by Aurilio M. Espinosa.

The Department of the Interior has begun the publication of an *Americanization Bulletin* in the interest of the education and assimilation of the foreigners in the United States. Secretary Lane and Mr. P. P. Claxton, the Commissioner of Education, are the editors.

A monograph by John R. Swanton entitled *An Early Account of the Choctaw Indians* makes up the April-June number of the *Memoirs of the American Anthropological Association*. The July-September issue consists of *Notes on Some Bushman Implements*, by Bene van Rippen.

Volume fifty-one of the *Proceedings of the Massachusetts Historical Society* contains the report of the annual meeting of the society; tributes to Henry Adams by James Ford Rhodes and Henry Cabot Lodge; and a large number of papers, among which is a discussion of Lord Charnwood's *Life of Abraham Lincoln*, by John T. Morse, Jr.

*French Protestantism, 1559-1562*, is the title of a monograph by Caleb Guyer Kelly, which constitutes a recent number of the *Johns Hopkins University Studies in Historical and Political Science*.

*The Wheat and Flour Trade Under Food Administration Control: 1917-18*, by Wilfred Eddred; *The Price-Fixing of Copper*, by Lewis Kennedy Morse; *An Estimate of the Standard of Living in China*, by C. G. Dittmer; and *Railway Service and Regulation*, by C. O. Ruggles, are the articles which make up the November number of *The Quarterly Journal of Economics*.

*The Limitations of the Ricardian Theory of Rent*, by William R. Camp; *Canada's National Grain Route*, by Edward Porritt; *The British War Cabinet*, by Robert Livingston Schuyler; and *Collective Bargaining Before the Supreme Court*, by Thomas Reed

Powell, are the papers which appear in the September number of the *Political Science Quarterly*. A *Record of Political Events* from August 1, 1917, to July 31, 1918, compiled by Horace M. Kallen and Edward M. Sait, appears as a supplement.

Volume seven of the *Manuscripts from the Burton Historical Collection*, published by C. M. Burton and edited by M. Agnes Burton, is devoted to papers and letters concerning the Moravian Indians of Ohio and the massacre at Gnadenhuetten, Ohio, in 1782. There are also documents relating to the early history of Indiana which are continued in volume eight. This final number contains, in addition, some letters of Thomas Williams which furnish much information as to the fur trade in early Ohio. There is also an index for the series.

*America's Coal Miners on Duty*, by William Green; *Labor's Day*, by Frank P. Walsh; *The Rochdale Cooperative Movement of Illinois*, by John Walker; *Our Nation at War*, by Franklin K. Lane; and *The Children's Bureau and Child Labor*, by Julia C. Lathrop, are among the papers in the October issue of the *American Federationist*. The November number contains an article on *Mexico — The Day After the War*, by John Murray, and an address by Josephus Daniels on *The Golden Age of the Republic*. In December there is an account of the reception tendered to the members of the labor missions to Europe.

Volume fifty-seven, number five, of the *Proceedings of the American Philosophical Society* contains, among others, three articles on food problems: *Physiological Effects of a Prolonged Reduction in Diet on Twenty-five Men*, by Francis G. Benedict; *Food Conservation from the Standpoint of the Chemistry of Nutrition*, by H. C. Sherman; and *Some Economic Aspects of the American Food Supply*, by J. Russell Smith. Number six of the same volume has an article on *Soldiers' and Sailors' Insurance*, by Samuel McCune Lindsay.

*The American Political Science Review* for November contains an article by Benoy Kumar Sarkar on *Democratic Ideals and Republican Institutions in India*, and C. Lysle Smith writes on *The Com-*

*mittee System in State Legislatures*. There is a continuation of the *Decisions of the Supreme Court of the United States on Constitutional Questions, 1914-1917*, by Thomas Reed Powell, and a discussion of *Judicial Decisions on Public Law*, by Robert E. Cushman. Charles Kettleborough is the compiler of the *Legislative Notes and Reviews*; Frederic A. Ogg of the *News and Notes*; and Charles G. Fenwick of the *Notes on International Affairs*.

The November issue of the *Journal of the American Institute of Criminal Law and Criminology* contains the proceedings of the tenth annual meeting of the organization. An article by Thomas H. Kilbride on *Labor Conscription in the Prisons of Illinois*; and a paper by John H. Whitman on the *Proposed State of Illinois Co-operative Plan for Prison Management*, are among the contributions included in this number.

*Ships for the Seven Seas*, by Ralph A. Graves; *The American People Must Become Ship-minded*, by Edward N. Hurley; and *Our Industrial Victory*, by Charles M. Schwab, are three articles of timely interest which appear in the September number of *The National Geographic Magazine*. In the October issue there are the following papers: *Russia's Orphan Races*, by Maynard Owen Williams; *What the War Has Done for Britain*, by Judson C. Welliver; *How Canada Went to the Front*, by T. B. Macaulay; a series of pictures portraying the work of the Red Cross under the title *The Healer of Humanity's Wounds*; and an article on Palestine by Charles W. Whitehair, entitled *An Old Jewel in the Proper Setting*.

*The Bolshevik Session of the National Municipal League Annual Conference*, by Charles A. Beard, is the opening article in the *National Municipal Review* for September. Among the other papers in this number are *New Relations of City and State Governments*, by Lawson Purdy; and *The Civic Work of State Councils of Defense*, by Claude H. Anderson. The November issue contains, among others, the following articles: *Municipal Preparedness in Peace and War*, by Clinton Rogers Woodruff; *The Massachusetts Constitutional Convention*, by Augustus R. Hatton; *Methods of*

*Removal from the Public Service*, by F. G. Heuchling; and *The City Manager Plan as a War Measure*, by Harrison G. Otis.

The October issue of *The Historical Outlook*, formerly *The History Teacher's Magazine*, contains a number of articles on the war, among which are the following: *The French Government*, by Othon Guerlac; *How Southerners Supported the War for Secession*, by J. S. Bassett; and *The Duty of the History Teacher*, by T. C. Smith. The November issue contains, among others, the following papers: *The Repulsiveness of the German State*, by G. H. Mead; *English Background of American Institutions*, by G. B. Adams; and *Germany's Grip on Public Opinion*, by W. A. Chamberlin. In the December number there are articles on *Impressions of Britain in War-Time*, by A. C. McLaughlin; *Nationalism in the Coming Peace Conference*, by L. M. Larson; *Railroads of the United States and the War*, by T. W. Van Metre; *Transportation Problems and Western Expansion*, by Edith W. Osgood; *Program of Civics Teaching for War Times and After*, by J. L. Barnard; *A Study in Citizenship*, by E. B. Smith; and a *Proposed Constitution for the League of Nations*.

The November number of *The Annals of the American Academy of Political and Social Science* is devoted to papers on the subject of *Rehabilitation of the Wounded*. These are grouped into three parts: Rehabilitation; Economic Independence; and Elements in a Constructive Program for Rehabilitation. Among the many interesting papers on these subjects, the following may be noted: *The Meaning of Rehabilitation*, by John L. Todd; *Military Surgery in 1861 and in 1918*, by W. W. Keen; *Returning the Disabled Soldier to Economic Independence*, by Douglas C. McMurtrie; *The Rôle of the American Red Cross in the National Program for the Rehabilitation of the Wounded*, by Curtis E. Lakeman; *A Constructive Program for the Rehabilitation of the Returning Soldiers*, by Frederic C. Howe; and *A Federal Program for the Vocational Rehabilitation of Disabled Soldiers and Sailors*, by Charles A. Prosser.

The September number of *The Geographical Review* contains, among others, the following contributions: *The Finn in America*, by



Eugene Van Cleef; *The Galapagos Islands*, by George M. McBride; *The Real Temperature Throughout North and South America*, by Mark Jefferson; and *The Slavs of Northern Hungary*, by B. C. Wallis. In the October issue there is a paper on *The Slavs of Southern Hungary*, also by Mr. Wallis, and Vilhjálmur Stefánsson writes of *The Activities of the Canadian Arctic Expedition from October, 1916, to April, 1918*. The November number contains an article by Marion I. Newbigin on *The Origin and Maintenance of Diversity in Man*; B. C. Wallis discusses *Central Hungary: Magyars and Germans*; and Marshall H. Saville contributes a paper on *The Discovery of Yucatan in 1517 by Hernández de Córdoba*.

The October number of *American Municipalities* contains the proceedings of the twenty-first annual convention of the League of Iowa Municipalities which was held at Ames, September 17-19, 1918. The President's address, by T. A. Potter; the report of the Secretary-treasurer, by Frank G. Pierce; and the report of the Committee on Judicial Decisions, by Guy J. Tomlinson, are incorporated in the proceedings.

*Do Libraries Impede Research?*, by Adelaide R. Hasse; *The Growth of a Big Idea*, by John A. Lapp; *Information Service for the Community Motion Picture Bureau*, by Paul F. Foster; *The Follow-up System of the Bureau of Railway Economics*, by Alfred B. Lindsay; a bibliography on present-day questions, by Edna B. Gearhart; and one on searchlights, by Henry E. Haferkorn, are the chief contributions to the September-October number of *Special Libraries*. The November number contains the following articles: *Special Libraries for Our Fighting Forces*, by Frank Parker Stockbridge; *Government Documents*, by J. H. Friedel; *The Library of the Public Service Corporation of New Jersey*, by Alma C. Mitchell; and a *Select Bibliography on Cost of Living in the United States*, by Helen G. Estey. In the December issue, there is an article by J. H. Friedel on *Mortality Among Books*; Claribel R. Barnett writes of *Government Libraries—Old and New*; and Vera M. Dixon of the Iowa State College Library contributes a paper on *Library Extension in Agriculture and Home Economics*.

## WESTERN AMERICANA

The July number of *The University of California Chronicle* contains a detailed account of the *University of California War Service Record for the Academic Year, 1917-1918*.

The October issue of *The Graduate Magazine of University of Kansas* contains a sketch of the career of James M. Challis, the President of the Alumni Association, by Sheffield Ingalls, and the first installment of *A Veracious History of the K. U. Annuals*, by Helen Rhoda Hoopes, which is continued in the November number.

Harlow Lindley is the author of a paper on the *Possibilities in State Historical Celebrations*, recently reprinted from the *Proceedings of The Mississippi Valley Historical Association*.

The two articles which make up the September number of *The Wisconsin Archeologist* are: *The Fur Trade in Wisconsin*, by Louise Phelps Kellogg, and *Indian Trade Implements and Ornaments*, by Charles E. Brown.

The Nebraska Territorial Pioneers' Association has recently published volume one of their *Reminiscences and Proceedings*, issued in honor of the semi-centennial of the admission of Nebraska. J. C. F. McKesson is the president of this Association and Minnie P. Knotts is the secretary.

A report of the annual meeting of the Minnesota Library Association at Mankato, September 26-28, 1918, occupies the first place in the December number of the *Minnesota Public Library Commission Library Notes and News*. There is, in addition a paper by Carol Aronovici on *Americanization, Its Meaning and Function*.

The November number of *The Road-Maker*, characterized as the "Lincoln Highway Special Issue", contains, among others, the following papers: *An Open Road — The Lincoln Highway*, by F. A. Seiberling; *Lincoln Highway Follows An Historic Trail*, by F. H. Trego; and *The "Jefferson" Greets the "Lincoln"*, by J. D. Clarkson. The December issue contains an unsigned article, entitled *Nation's Truck Routes Start in Iowa*, which will be of interest to Iowans.

*Law in Life*, by George Fitch Wells; *The Dakota Playmakers*, by Frederick Henry Koch and Albert John Becker; *Roosevelt's Ranch Life in North Dakota*, by Albert Tangeman Vollweiler; and *Color Symbolism*, by Almira Jewett, are four articles in the October issue of *The Quarterly Journal of the University of North Dakota*.

## IOWANA

The October number of *Autumn Leaves* contains the concluding chapter of Lee Quick's *Gospel Experiences*.

*Citizenship Training* is the title of a pamphlet recently distributed by the Iowa Department of Public Instruction under the direction of Albert M. Deyoe.

*Greater Iowa*, for October, published by the Iowa Department of Agriculture, gives an account of *Iowa's 64th Annual State Fair*.

An unsigned paper on *How the War Has Changed Grinnell* and a sketch of *The S. A. T. C. in Grinnell*, by J. H. T. Main, are the opening numbers in *The Grinnell Review* for October-November.

The November issue of *The Alumnus of Iowa State College* is taken up almost entirely by the Ames service roll.

Among the papers printed in the *Proceedings of the Thirtieth Annual Meeting of the Iowa Engineering Society* is one on *Reasons for an Engineer's License Law in Iowa*, by W. H. Kimball.

*A History of Medicine in Iowa — Part First — Extending from 1820 to 1840*, by D. S. Fairchild, is a paper of historical value which appears in the September issue of *The Journal of the Iowa State Medical Society*.

The *Iowa State Highway Commission Service Bulletin* for September-October contains an unsigned article on *Cerro Gordo County Dedicates Mason City-Clear Lake Road — First Paved Interurban Highway in Iowa*.

*A Brief History of Malvern*, by John D. Paddock, has been published by The Malvern Leader. This volume is written in the form of a chronology and gives many interesting incidents in the history

of the town but there is no attempt at organizing the facts enumerated.

The *Proceedings of the Thirty-Second Annual Convention of the Iowa Bankers Association* contains, among others, an address by Judson C. Welliver on his trip to the war zone and one by David R. Houston on the relation of agriculture and finance to the war.

Among the papers in the September number of *American Municipalities* is one on *Needed Road Legislation for Iowa*, by Joe L. Long. *Taxation and Assessment in Iowa*, by R. E. Bales, and *Advantages of Municipal Ownership*, by Carl D. Thompson, are two of the articles in the December issue.

An account of the *Convention of the Iowa Conservation Association at McGregor*, by George Bennett, is to be found in the April-June number of the *Iowa Conservation*, the magazine published by the Iowa Conservation Association. Mr. Euclid Sanders is the president of this association; Mrs. C. H. McNider, vice president; G. B. MacDonald, secretary; and John A. Spurrell, treasurer.

*Privileges or Immunities Clause — Fourteenth Amendment*, by D. O. McGovney; *Modern Methods in the Law Office*, by Dwight G. McCarty; and *The American Torrens Land Title System*, by O. P. Myers, are the papers which appear in the November issue of the *Iowa Law Bulletin*. The next number of this publication will appear in November, 1919.

Frank Warner, the secretary of the Iowa Bankers Association, is the author of a paper on the *Receipt Form for Liberty Bonds*, which appears in *The Northwestern Banker* for November. In the same number John A. Cavanagh contributes an article entitled *After Peace Is Declared, What?*

The September issue of *Midland Schools* announces the transfer of the magazine from Mr. C. R. Scroggie to the Iowa State Teachers' Association. *The Work of the School Conducted by the Army Y. M. C. A. in the Camp Dodge Development Battalion*, by Mrs. A. C. Lovelace, is a paper of general interest in this number. In the following issue, Margaret Walker writes of *The National War Work Council of the Y. W. C. A.*

The opening number of *The Iowa Alumnus* contains much information concerning the University in war time. In addition, there are four papers of general interest to Iowans: *The University in Khaki*, by Robert B. Wylie; *A Scientific Expedition in War Time*, by Abram O. Thomas; *Une Etudiante Francaise a l'Iowa*, by Jeanne Terraz; and "*Westward Ho*", by Walter Albert Jessup. In the December issue there are a number of short papers among which the following may be noted: *Impressions of an Oriental*, by R. S. Kim; *How We Struck the Natives*, by Charles Cleveland Nutting; *In the Hands of the Reds*, by Paul Anderson; *Soldiers' Memorials in Iowa*, by Charles Heald Weller; and *Philosophy and Social Reconstruction*, by George T. W. Patrick.

*The Iowa Magazine* for September contains a large number of papers of interest to Iowans. Among them are the following: *Harnessing Scenery in Northeastern Iowa*, by Florence L. Clark; *Cut Out the Guessing About Roads*, by Joe L. Long; *Iowa's Cyclo-rama of Laysan Island*, by Stella Clearman; *Arkansas Investigates Iowa's Prosperity*; *Iowa is in the Lime Light — Again*; *Iowa Farm Children Doing Their Share*, by E. N. Hopkins; *War Work*; *Iowa Knights of Columbus*, by Joe McCormick; and an account of Iowa's contribution to the nation's honor roll, including pictures of many Iowa soldiers who have been killed in action or died in service. This list is continued in the December number, which also contains, among others, a paper on *Who's Who in the Iowa Legislature* and a discussion of *Iowa's Share of the Post-War Problems*, by John Snure.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Ashbaugh, Ernest J.,

*Survey of the School Buildings of Muscatine.* Iowa City: The State University of Iowa. 1918.

Butler, Ellis Parker,

*Philo Gubb.* Boston: Houghton Mifflin Co. 1918.

*Exit Mr. Tumult and Miss Shouting* (Carry On, October-November, 1918).

Byers, S. H. M.,

*In Arcadia: A Legend of San Luis Rey.* Los Angeles: Potter Brothers Co. n. d.

Dawson, Mrs. N. P.,

*The Good Soldier.* New York: The Macmillan Co. 1918.

Devine, Edward Thomas,

*Greetings to the Students' Army Training Corps* (The Survey, October 5, 1918).

*War Brought Home to New Jersey* (The Survey, October 12, 1918).

*War Relief Work in Europe* (The Annals of the American Academy of Political and Social Science, September, 1918).

Ensign, Forest C.,

*Parent-Teacher Associations in Iowa.* Iowa City: The State University of Iowa. 1918.

Fairchild, D. S.,

*History of Medicine in Iowa* (The Journal of the Iowa State Medical Society, September, 1918).

Ferber, Edna,

*Long Distance* (Carry On, October-November, 1918).

Franklin, William Suddards (joint author),

*Fundamentals of Dynamics* (Science, August 2, 1918).

Glaspell, Susan,

*The Busy Duck* (Harper's Monthly Magazine, November, 1918).

Griffith, Helen Sherman,

*Letty Grey — Heiress.* Philadelphia: Pennsylvania Publishing Co. 1918.

Heilman, Ralph Emerson,

*Keeping Busy All the Time* (System, August, 1918).

*Letting Competitors Know* (System, September, 1918).

Henderson, Rose,

*Red Blooded* (Literary Digest, October 19, 1918).

- Hillis, Newell Dwight,  
*The Blot on the Kaiser's 'Scutcheon*. New York: Fleming H. Revell Co. 1918.
- Hoover, Herbert Clark,  
*Food Control* (Journal of Home Economics, June, 1918).
- Hough, Emerson,  
*The Passing of the Frontier*. New Haven: Yale University Press. 1918.  
*When the Boys Get Back from France* (Saturday Evening Post, November 30, 1918).
- Hutchinson, Woods,  
*The Doctor in War*. Boston: Houghton Mifflin Co. 1918.
- Knipe, Emilie B., and Alden Arthur Knipe,  
*Girls of '64*. New York: The Macmillan Co. 1918.
- Krehbiel, August Robert,  
*Gottfried Keller's Attitude Toward Literary Criticism and Theory*. Iowa City: The State University of Iowa. 1918.
- Lauer, Edward H.,  
*Iowa Patriotic League Bibliography*. Iowa City: The State University of Iowa. 1918.
- McNamara, Sue,  
*Secret of Success of America's Richest Newsboy* (American Magazine, November, 1918).
- Mott, John Raleigh,  
*War Work of the Young Men's Christian Association* (The Annals of the American Academy of Political and Social Science, September, 1918).  
*When I Saw My Boy in France* (American Magazine, October, 1918).
- Nutting, Charles C.,  
*Barbados-Antigua Expedition from the State University of Iowa* (Science, September 6, 1918).

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Paddock, John D.,

*A Brief History of Malvern.* Malvern: The Malvern Leader. 1917.

Parrish, Randall,

*Wolves of the Sea.* Chicago: A. C. McClurg & Co. 1918.

Raymond, William G.,

*Cost of Service the Chief Factor in Rate Regulation* (Engineering News-Record, September 5, 1918).

Richardson, Anna Steese,

*Is This Woman's War?* (Woman's Home Companion, August, 1918).

Russell, Charles Edward,

*Unchained Russia.* New York: D. Appleton & Co. 1918.

Sabin, Edwin L.,

*Boys' Book of Indian Warriors and Heroic Indian Women.* Philadelphia: Jacobs & Co. 1918.

*General Crook and the Fighting Apaches.* Philadelphia: J. B. Lippincott Co. 1918.

*On the Overland Stage; or, Terry as a King Whip Cub.* New York: Crowell Publishing Co. 1918.

Seashore, Carl Emil,

*Inheritance of Musical Traits* (Musician, September, 1918).

*Sense of Rhythm as a Musical Talent* (Musical Quarterly, October, 1918).

Shambaugh, Benj. F.,

*The State Historical Society of Iowa in War Times.* Iowa City: The State Historical Society of Iowa. 1918.

Shambaugh, Bertha M. H.,

*Organized Speaking in Iowa During the War.* Iowa City: The State Historical Society of Iowa. 1918.

Sprague, Bessie Toulouse,

*Lullaby to a Soldier's Baby* (McCall's Magazine, December, 1918).



Taylor, Alonzo E.,

*International and National Food Control* (The Annals of the American Academy of Political and Social Science, July, 1918).

*Ourselves or the Allies* (Journal of Home Economics, June, 1918).

*Woman's Broader Field in War Work* (Delineator, November, 1918).

Thornburg, Mrs. Z. C.,

*It Is Worth While* (Primary Education, September, 1918).

Udden, Johan August,

*Notes on the Geology of the Glass Mountains.* Austin: The University of Texas. 1918.

#### SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Sketch of the life of W. S. Pitts, in the *New Hampton Tribune*, October 2, 1918.

Sketch of the life of Cleremont Dennison Loper, in the *Charles City Intelligencer*, October 3, 1918; and the *Waterloo Courier*, October 3, 1918.

Sketch of the life of John Herriott, in the *Stuart Herald*, October 4, 1918.

Sketch of the life of E. B. Tuttle, in the *Algona Republican*, October 9, 1918.

Early Days in Kossuth County, by Mrs. L. M. Fish, in the *Algona Republican*, October 9, 1918.

Reminiscences of a Pioneer Woman in Kossuth County, by Mrs. Mary A. Winters, in the *Algona Republican*, October 9, 1918.

Eighty-second Anniversary of a Manchester Pioneer, in the *Manchester Democrat*, October 9, 1918.

Sketch of the lives of Mr. and Mrs. M. H. Donelson, in the *Boone News-Republican*, October 10, 1918.

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Reunion of the Eighteenth Iowa Infantry, in the *Chariton Herald-Patriot*, October 10, 1918.

Sketch of the life of Mrs. Amelia Hay, in the *Burlington Hawk-Eye*, October 10, 1918.

Fiftieth Anniversary of the Salem Evangelical Church, in the *Monona Leader*, October 10, 17, 1918.

Biennial Reunion of the Twenty-fourth Iowa Infantry, in the *Marion Register*, October 11, 1918.

The Davenport Family of Le Claire, in the *Davenport Times*, October 12, 1918.

Sketch of the life of Mrs. Lydia Peregrine, in the *Corning Free Press*, October 12, 1918.

Sketch of the lives of Mr. and Mrs. Frank Beck, in the *Cascade Pioneer*, October 17, 1918.

Sketch of the lives of Mr. and Mrs. Frank Frisbee, in the *Sioux City Tribune*, October 19, 1918.

Sketch of the lives of Mr. and Mrs. J. R. Crum, in the *Bedford Free Press*, October 22, 1918.

Sketch of the life of George Dugan, in the *Bedford Free Press*, October 23, 1918.

Sketch of the lives of Mr. and Mrs. J. R. Crum, in the *Bedford Times-Republican*, October 24, 1918.

Social Work at Camp Dodge, in the *Clinton Herald*, October 29, 31, 1918.

Iowa's Early War Preparations, in the *Sigourney News*, October 31, 1918.

Methodist Church at Independence Built Half a Century Ago, in the *Independence Bulletin-Journal*, November 7, 1918.

Sketch of the lives of Mr. and Mrs. Henry Miller, in the *Belle Plaine Union*, November 7, 1918.

An Historic Threshing Machine, in the *Webster City Journal*, November 9, 1918.

- A Centenarian of Sioux Rapids — Mrs. M. M. Scott, in the *Spencer Reporter*, November 13, 1918.
- Tribute to John Todd — Founder of Tabor College, in the *Atlantic News-Telegraph*, November 14, 1918.
- Reminiscences of Pioneer Days, in the *Belle Plaine Union*, November 14, 1918.
- Tribute to an Old Subscriber — John S. Thompson, in the *Maquoketa Sentinel*, November 15, 1918.
- Sketch of the life of Mrs. J. L. Moore, in the *Traer Star-Clipper*, November 15, 1918.
- Reminiscences of the "Little Brown Church in the Vale", by W. V. Lucas, in the *Nashua Reporter*, November 21, 1918.
- Early Settlers of Calhoun County, in the *Lake City News*, November 21, 1918.
- Sketch of the life of Albert Head, in the *Jefferson Herald*, November 27, 1918.
- Sketch of the life of R. D. Parsons, in the *Mt. Vernon Hawkeye*, November 28, 1918.
- Early Business Men of Sioux City — W. W. Byam and John Peirce, in the *Sioux City Tribune*, November 29, 1918.
- Sketch of the life of Mrs. F. H. Whitney, in the *Atlantic News-Telegraph*, November 30, 1918.
- The Success of the Camp Dodger, in the *Des Moines Register*, December 1, 1918.
- Proposed Tribute to William Alexander Scott — Donor of the State House Grounds, in the *Cedar Rapids Gazette*, December 4, 1918.
- Sketch of the life of Samuel B. Embury, in the *Estherville Democrat*, December 4, 1918.
- Sketch of the life of E. C. Hughes, in the *Spencer Reporter*, December 4, 1918.
- Historic Bell and Bell Ringer, in the *Keosauqua Republican*, December 5, 1918.

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Sixtieth Anniversary of the Methodist Church of St. Charles, in the *St. Charles News*, December 5, 1918.

Sketch of the life of William Alexander Scott, in the *Council Bluffs Nonpareil*, December 6, 1918. .

Sketch of the life of Henry Reinemund, in the *Burlington Gazette*, December 7, 1918.

Sketch of the life of George H. Carr, in the *Des Moines Capital*, December 7, 1918.

"The Little Brown Church in the Vale", and Its Composer—William S. Pitts, in the *Creston Plain Dealer*, December 8, 1918.

Sketch of the life of George H. Carr, in the *Des Moines Plain Talk*, December 12, 1918.

Sketch of the life of Henry Sailor, in the *Lisbon Herald*, December 12, 1918.

Sale of a Slave in Jefferson County, in the *Fairfield Tribune*, December 13, 1918.

A Bit of Old Holland in Iowa, by Gladys Denny Shultz, in the *Des Moines Register*, December 15, 1918.

Sketch of the life of Mrs. Elizabeth Miller, in the *Bloomfield Democrat*, December 17, 1918.

Sketch of the life of Albert M. Deyoe, in the *Garner Signal*, December 18, 1918.

Sketch of the lives of Mr. and Mrs. S. W. Miller, in the *Cedar Rapids Republican*, December 18, 1918.

Sketch of the life of B. O. Hanger, in the *Des Moines Capital*, December 19, 1918.

Reminiscences of Winter of 1876, in the *Clear Lake Mirror*, December 26, 1918.

Horace Boies Ninety-one Years of Age, in the *Davenport Times*, December 28, 1918.

## HISTORICAL SOCIETIES

### PUBLICATIONS

The Onondaga Historical Association has recently published two volumes in its series of local history: *Spafford, Onondaga County, New York*, and *Mortuary Records with Genealogical Notes of the Town of Spafford, Onondaga County, New York*, both by George Knapp Collins.

The October number of the *Ohio Archaeological and Historical Quarterly* is entirely devoted to the report of the thirty-third annual meeting of the Ohio State Archaeological and Historical Society.

The *Journal of Thomas Dean: A Voyage to Indiana in 1817*, edited by John Candee Dean, is published as number two of the sixth volume of the *Indiana Historical Society Publications*.

*The Story of the Confederate Treasure*, told by Otis Ashmore; *Sidney Lanier: An Appreciation*, by J. O. Varnedoe; and *Antiquities of Southwest Georgia Indians*, by H. T. McIntosh, are the articles contributed to the September number of *The Georgia Historical Quarterly*.

An article of interest at the present time is one on *The Military Hut-Camp of the War of the Revolution on the Dyckman Farm*, by Reginald Pelham Bolton, the first installment of which appears in the October issue of *The New-York Historical Society Quarterly Bulletin*.

The *Records of the American Catholic Historical Society* of Philadelphia for September contains the final installment of *Bishop Flaget's Diary*, edited by W. J. Howlett; a continuation of *The Life of Bishop Conwell*, by Martin I. J. Griffin; and a paper on the *San Domingo Refugees in Philadelphia*, by Jane Campbell.

*The Journal of The Presbyterian Historical Society* for September contains a biography of *Loyal Young Graham, D. D., 1837-1917*, by Matthew J. Hyndman; a paper on *Some Leaders of the General Synod*, by Edward Yates Hill; and a *Historic Sketch of Spencer Presbyterian Church, Spencer, N. Y.*, by Mary L. Hall.

The State Historical Society of Wisconsin has published the *Proceedings of the Society at its Sixty-fifth Annual Meeting, held October 25, 1917*.

A monograph by Charles W. Dahlinger on *Old Allegheny* occupies the chief place in the October issue of the *Western Pennsylvania Historical Magazine*. Della Means writes of *Dr. David Alter, a Local Scientist*; and there is some material on the history of Logstown, Pennsylvania, furnished in addresses by Henry W. Temple and George P. Donehoo.

The three papers which make up the greater part of the October number of *The American Historical Review* are: *The Extraordinary Commands from 80 to 48 B. C.*, by Arthur E. R. Boak; *The United States and the Abortive Armed Neutrality of 1794*, by Samuel F. Bemis; and *The Kaiser's Secret Negotiations with the Tsar, 1904-1905*, by Sidney B. Fay.

Among the articles which appear in the *Michigan History Magazine* for October are the following: *The University of Michigan in the War*, by R. M. Wenley; two papers on *Why the United States is at War*, by Mahlon H. Buell and Etta Kinch; *King Alcohol; His Rise, Reign and Fall in Michigan*, by John Fitzgibbon; and *Claude Jean Allouez, S. J. (1613-1689)*, by John A. Lemmer.

A *Supplementary Catalogue of Newspaper Files in the Wisconsin Historical Library*, prepared by Lillian J. Beecroft and Marguerite Jenison, is issued as *Bulletin of Information*, number ninety-three, of the Society.

The April number of the *Proceedings of the New Jersey Historical Society* contains the first installment of Edward Wall's *Raids in Southeastern Virginia Fifty Years Ago*. There is a biography of Jacob C. Ward — *One of the Old-time Landscape Painters*,

by Joseph F. Folsom; and a *Bibliography of the Works of the Late Mr. William Nelson*, compiled by A. Van Doren Honeyman.

A monograph on *The Influence of Geographic Factors in the Development of Minnesota*, by Chessley J. Posey, is the chief contribution to the *Minnesota History Bulletin* for August.

The *Nebraska History and Record of Pioneer Days* for November contains a discussion on *Nebraska Public Schools in 1860-61*. In the December number there is to be found a list of the governors of Nebraska with the legal residence of each at the time of election, compiled by Albert Watkins, and an account of *Fort Mitchell Cemetery*, by the same author.

Continuations of the *History of the Philadelphia and Lancaster Turnpike*, by Charles I. Landis, are to be found in *The Pennsylvania Magazine of History and Biography* for January, April, and July. In the issue for April, there is also a biography of Thomas Sully, by Henry Budd, and in the July number there is a paper on *Colonial Libraries of Pennsylvania*, by E. V. Lamberton.

*The Spirit and the Objectives in the Annals of Oregon* is discussed by F. G. Young in the opening pages of *The Quarterly of the Oregon Historical Society* for September; T. C. Elliott writes of *An Event of One Hundred Years Ago*; and there is a third chapter of *The Federal Relations of Oregon*, by Lester Burrell Shippee. The *Correspondence of Reverend Ezra Fisher* is continued in this number.

*Alfred Brunson, Pioneer of Wisconsin Methodism*, by Ella C. Brunson, is the first paper in the December number of *The Wisconsin Magazine of History*. There is also a letter from George Wagner with the title *A Voice from Germany*; a description of the great fire in Wisconsin in 1871, by P. Pernin, under the heading *The Finger of God Is There*; and a collection of letters from Wisconsin soldiers under the general title *Badgers in the Great Adventure*.

The first article in the October number of *The Catholic Historical Review* is a biographical sketch of Stephen Girard written by Hugh T. Henry. This is chiefly a discussion of *The Life and*

*Times of Stephen Girard, Mariner and Merchant*, by John Bach McMaster. Another paper of general interest is *The Aglipay Schism in the Philippines*, by James Alexander Robertson.

*The Missouri Historical Review* for October contains an article by Floyd C. Shoemaker on *Missouri and the War*; a further installment of *Missourians Abroad*, by J. Willard Ridings, in which a biography of Edward R. Stettinius is presented; another chapter in the translation of *Gottfried Duden's Report, 1824-1827*, by William G. Bek; and the fifth article on *How Missouri Counties, Towns and Streams Were Named*, by David W. Eaton.

The first volume of the *Reminiscences and Proceedings of the Nebraska Territorial Pioneers' Association*, edited by Minnie P. Knotts, contains a number of interesting papers on the history of Nebraska. Among these, the following may be noted: *When the Town of Lancaster Was Changed to Lincoln*, by J. C. F. McKesson; *The Feast of Mondamin*, by M. A. Brown; *Early Days in Nebraska*, by Mrs. Fred Goosman; *Nebraska's Pioneers in History*, by Minnie P. Knotts; and *Reminiscences of Government Surveying*, by Robert Harvey. A biographical sketch of Clarence S. Paine is also included.

The September number of the *Maryland Historical Magazine* contains, among others, the following articles and manuscripts: *Early Settlers of the Site of Havre de Grace*, by William B. Marye; *Pulaski's Legion*, by Richard Henry Spencer; a continuation of the *Extracts from the Carroll Papers*; and *The South Atlantic States in 1833, as Seen by a New Englander*, written by Henry Barnard and edited by Bernard C. Steiner.

The three articles which appear in the June number of the *Tennessee Historical Magazine* are as follows: *Memphis Railroad Convention, 1849*, by R. S. Cotterill; *Some Suggestions as to the Equipment Needed in the Teaching of History*, by St. George L. Sioussat; and a continuation of Albert V. Goodpasture's *Indian Wars and Warriors of the Old Southwest*. There is also a chapter of this article in the September issue.



The *Journal of the Illinois State Historical Society* for October, 1917, contains, among others, the following papers: *De Linctot, Guardian of the Frontier*, by George A. Brennan; *Historical Notes on Lawrence County, Illinois*, by Mary Tracy White; *Reminiscences of Lake Forest Academy*, by George Manierre; and *Early History of Pleasant Hill, McLean County, Illinois*, by D. F. Trimmer.

A continuation of the list of *Virginians Who Have Died in the War for Freedom* occupies first place in the October issue of *The Virginia Magazine of History and Biography*. There is also another installment of the *Minutes of the Council and General Court — 1622-1629*; and a collection of *The Preston Papers*.

The July-September number of *The Quarterly Publication of the Historical and Philosophical Society of Ohio* contains a collection of manuscripts from the Torrence Papers edited by L. Belle Hamlin. These papers give many items of interest concerning the pay, organization, subsistence, and dress of the United States army during the decade following 1787. There is also included some information concerning the early militia of Ohio.

The opening chapter of *The First Europeans in Texas, 1528-1836*, by Harbert Davenport and Joseph K. Wells, appears in the October issue of *The Southwestern Historical Quarterly*. There are also continuations of the *Reminiscences of the Terry Rangers*, by J. K. P. Blackburn; and the *Minutes of the Ayuntamiento of San Felipe de Austin, 1828-1832*, edited by Eugene C. Barker.

*The First Railroad Between the Mississippi and Lake Superior*, by Lester Burrell Shippee; *The Literary Spirit Among the Early Ohio Valley Settlers*, by Logan Esarey; *The Lost Commission: A Study in Mississippi History*, by James E. Winston; and *Historical Activities in Canada, 1917-1918*, by James F. Kenney, are the papers which make up the September number of *The Mississippi Valley Historical Review*. The extra number, issued in October, contains the *Proceedings of The Mississippi Valley Historical Association for the Year 1916-1917*. Among the papers printed in this number are the following: *The Value of the Memoir of George Rogers Clark as an Historical Document*, by James A. James; *The*

*Coming of the Circuit Rider Across the Mountains*, by William W. Sweet; *Fur-Trading Companies in the Northwest, 1760-1816*, by Wayne E. Stevens; *Latin-American History as a Field of Study for Mississippi Valley Students*, by Paul F. Peck; *Pageantry Possibilities*, by Bernard Sobel; and *Possibilities in State Historical Celebrations*, by Harlow Lindley.

The April number of *The Louisiana Historical Quarterly*, designated as the *Joan of Arc Number*, contains a sketch of the career of the French heroine, by Heloise Hulse Cruzat; several addresses delivered at the celebration in honor of Joan of Arc, held at New Orleans, May 1, 1918; an address on *General Beauregard and General Blanchard in the Mexican War*, by Milo B. Williams; and an account of *General Collot's Reconnoitering Trip Down the Mississippi and His Arrest in New Orleans in 1796, by Order of the Baron de Carondelet, Governor of Louisiana*, written by Heloise Hulse Cruzat. There is also a paper giving some curious principles of the duelling code as it existed in Louisiana.

#### ACTIVITIES

The Ohio Archaeological and Historical Society held its thirty-third annual meeting at Columbus, Ohio, on September 25, 1918. James E. Campbell was elected president; Emilius O. Randall, secretary; and Edwin F. Wood, treasurer.

The Jefferson County Historical Society held its quarterly meeting at Fairfield, on December 4, 1918. G. W. Gage who came to Fairfield in 1839 told of the sale of the only slave owned in the county.

The regular annual meeting of the Kossuth County Historical Society was held at Algona, October 4, 1918. A paper written by Mrs. Mary A. Winters was read by Miss Ella Thompson. Mrs. L. M. Fish contributed some reminiscences of Seneca township. The board of directors is made up of the following members: B. F. Reed, A. Hutchison, Mrs. H. C. Adams, Myron Schenck, C. T. Chubb, Mrs. Joan Pettibone, Mrs. H. E. Stacy, Rod Jain, and Mrs. J. W. Wadsworth.

A Conference of Directors of State Historical Work in the Upper Mississippi Valley was held at Chicago, on December 7, 1918. Five States were represented — Wisconsin by M. M. Quaife, Illinois by C. W. Alvord, Iowa by Benj. F. Shambaugh, Indiana by Harlow Lindley, and Minnesota by Solon J. Buck. Dr. Quaife was elected chairman and Dr. Buck secretary for the ensuing year. It was decided that annual meetings should be held in the fall and that the work of archives research at Washington under Dr. Mereness should be continued with a somewhat larger budget.

#### THE STATE HISTORICAL SOCIETY OF IOWA

Three numbers of the *Iowa and War Series* which have recently appeared are: *Social Work at Camp Dodge*, a monograph based upon a study made by F. E. Haynes; *Organized Speaking in Iowa During the War*, by Bertha M. H. Shambaugh; and *The State Historical Society of Iowa in War Times*, by Benj. F. Shambaugh.

The following persons have recently been elected to membership in the Society: Hon. Frank F. Messer, Iowa City, Iowa; Mr. Kermit Christensen, Jewell, Iowa; Mr. Henry F. Graepler, Dows, Iowa; Mr. Ralph L. Harmon, Des Moines, Iowa; Hon. A. O. Hauge, Des Moines, Iowa; Hon. J. C. Lockin, Aurelia, Iowa; Hon. Bertel M. Stoddard, Sloan, Iowa; Mr. N. L. Vanderlip, Dows, Iowa; Dr. A. L. Wheeler, Mason City, Iowa; Mr. Edward B. Wilson, Des Moines, Iowa; Hon. J. D. Buser, Conesville, Iowa; Hon. C. E. Holloway, Thurman, Iowa; Hon. E. H. Knickerbocker, Fairfax, Iowa; Mr. A. R. Ladd, Clarion, Iowa; Hon. J. E. Larson, West Branch, Iowa; Hon. C. J. LeValley, Sheffield, Iowa; Hon. Carl W. Reed, Cresco, Iowa; Hon. Ray P. Scott, Marshalltown, Iowa; Hon. F. E. Shane, Nodaway, Iowa; Mr. David J. Shenton, Shelby, Iowa; Capt. Carleton Sias, Waterloo, Iowa; Dr. Geo. A. Smith, Clinton, Iowa; Hon. O. C. Sorlien, Bode, Iowa; Hon. M. L. Temple, Osceola, Iowa; and Hon. A. K. Westervelt, Churdan, Iowa. The following persons have been enrolled as life members of the Society: Mr. Lovell Swisher, Iowa City, Iowa; and Mr. Edward Denham, New Bedford, Massachusetts.

## NOTES AND COMMENT

A volume of *Historical Reminiscences of Early Des Moines* is soon to be published by Tacitus Hussey.

The meeting of the Iowa Library Association, announced for October 23-25 at Des Moines, was indefinitely postponed on account of the quarantine.

Mrs. C. W. Crim, recently elected historian of the Emmet County Chapter of the War Mothers of America, is collecting data relative to the men from Emmet County in the service of the government. It is hoped that this material may be published in book form.

Arthur H. McKeehnle, editor of the *Nevada Representative*, is compiling a history of the part taken by the boys and girls of Story County in support of the war.

The thirtieth annual reunion of the Eighteenth Iowa Infantry was held at Chariton, October 8 and 9, 1918. At the same time the Lucas County Veterans' Association held their annual meeting and the two organizations held joint sessions.

The Daughters of the American Revolution arranged a historical festival at Storm Lake on the twelfth of October, 1918. Scenes in Buena Vista County in early days were presented as part of the parade.

An attempt is being made to collect material for a biography of Grover Cleveland, twice president of the United States. A request that persons having letters or other papers of historical value communicate with Mr. William Gorham Rice of Albany, New York, has been sent out by Mrs. Thomas J. Preston, formerly Mrs. Cleveland.

The Webster City Chamber of Commerce has undertaken the work of listing the men who have gone into war service from Hamilton County. Relatives and friends of enlisted men are urged to

report the name, company, regiment, place of enlistment, and location of the men in service.

The eighteenth biennial reunion of the Twenty-fourth Iowa Infantry was held at Tipton on September 18 and 19, 1918. An address by Robert G. Cousins was the chief feature of the program.

The Iowa Executive Council has purchased twelve hundred acres of land in the northwestern corner of Delaware County at an expense of \$60,000. This tract will be converted into a State park. Other locations are being considered by the Council.

Dr. W. S. Pitts, the author of "The Little Brown Church in the Vale", died at Brooklyn, New York, on September 25, 1918. Dr. Pitts was born in New York in 1830 and came to Chickasaw County, Iowa, in 1857, beginning the practice of medicine there ten years later.

Horace Boies, Governor of Iowa from 1890 to 1894, recently celebrated his ninety-first birthday in California, where he now resides.

The city of Des Moines is planning a memorial in honor of the soldiers who have lost their lives during the war. This monument will take the form of a memorial art institute to be erected on the east river front between Walnut and Locust streets at a cost of some \$600,000. The Greater Des Moines Committee and the city council are coöperating in the work.

#### JOHN HERRIOTT

John Herriott, Lieutenant Governor of Iowa from 1902 to 1907, was born in Herriottsville, Pennsylvania, October 20, 1844, of Scotch-Irish ancestry. His father died when the boy was eight years of age and the loss deprived him of even the ordinary opportunities of education but this handicap he found time to overcome in later years by extensive reading.

At the outbreak of the Civil War, Herriott left his blacksmith's shop and, although under age, succeeded in enlisting in the First Pennsylvania Cavalry, serving with this regiment for three years and participating in some seventy-three engagements. It was dur-

ing this period that the young soldier became acquainted with books when he was detailed to guard the library of a Virginia mansion.

After his discharge from the army unwounded but with greatly impaired health, Mr. Herriott settled at Stuart in 1872, where he entered in a partnership with J. R. Dosh in the management of a drug store. His political career began soon afterwards by his election as county treasurer in 1876. In this office he distinguished himself by his efforts to secure the payment of delinquent taxes.

After an unsuccessful campaign for State Representative in 1880, Mr. Herriott became the Republican candidate for State Treasurer in 1894 and was elected, serving three terms in that office. His chief public service in this capacity was his struggle for equalization in the taxation of railroads. As a result of his fight against the railroad corporations he was proposed as a candidate for Governor in 1901 but was given second place on the ticket instead, serving as Lieutenant Governor from 1902 until 1907. He died at Des Moines, on September 24, 1918.

## CONTRIBUTORS

CYRIL B. UPHAM, Research Associate in The State Historical Society of Iowa. Received the degree of Doctor of Philosophy from the State University of Iowa in 1918. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1918, p. 152.)

CARDINAL GOODWIN, Professor of American History in Mills College, California. Born in Arkansas, May 1, 1880. Received his Bachelor of Arts degree from Brown University in 1905, his Master of Arts degree from the same institution in 1910, and the degree of Doctor of Philosophy from the University of California in 1916. Author of *The Establishment of State Government in California* and various magazine articles.





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**VOL. XVII—9**



## HISTORICAL SURVEY OF CIVIC INSTRUCTION AND TRAINING FOR CITIZENSHIP IN IOWA

In the promotion of education in America — particularly that supported by public taxation — the aim has been the development of efficient citizens: it has long been recognized that the safety and prosperity of the country depend upon the intelligence and patriotism of the inhabitants. School training, however, has been largely individualistic and only incidentally social and patriotic. Intensely practical in their thinking, Americans have assumed that an education which developed the economic and intellectual ability of the individual proportionately increased his value to the state. Consequently specific training for citizenship has either been omitted altogether from the school courses of study or has been offered so late that the majority of those enrolled in the schools have failed to receive such training. Indeed, instruction in the fundamental principles of government and social organization was lacking in the elementary schools long after such subjects had been recognized in the colleges and universities. Very slowly, indeed, have those responsible for the education of the citizenry become conscious that selfishness and indifference to public duties must be overcome by specific instruction in the organization of government and the duties of the citizen to the community, the State, and the country.

### I

#### THE AWAKENING

Nearly a hundred years ago (in 1827) an American school journal reprinted from an English authority a sug-

gestion which the editor deemed peculiarly adapted to a nation like the United States where the "preparation for the right discharge of public duty" becomes a "matter of immediate concern to the whole community." The sentiment to which the American journal called attention related to the education of those in England who on account of "birth, rank, and condition" might become statesmen or legislators — an education, indeed, which would acquaint a young man with the "moral and political history of man", the "principles upon which nations are founded", and the rise of "the rights, the duties, and the obligations of the human being, viewed as a member of a community." It was thought that the "history of human institutions" would become a source of inspiration; while a study of the forms of government and the origin and constitution of parliament and its methods of conducting business would be of much interest and value to the future political leader. Such instruction, whether designated as political economy, political science, or by some other name, was intended, to be sure, for those who had passed beyond the undergraduate period of education: it was to assume the rank of a professional subject and be carried on only in institutions of higher learning. And so it was regarded by the American journal as suitable to "the higher seminaries of our own country".<sup>1</sup>

Not even the academies or such other secondary schools as existed, it appears, were considered qualified to offer instruction in even the most elementary subjects which relate the pupil to his social environment. It was too early by many years to consider such work as suited to the common schools. Indeed, the observation mentioned above came at a time when the general awakening on the subject of popular education had just begun. That the higher in-

<sup>1</sup> *American Journal of Education* (Boston, 1827), Vol. II, pp. 13, 14, 16, 21.

stitutions might sometime inspire the lower schools to some appreciation of their opportunities in the training of citizens may have been hoped for, but no public mention of it was made at the time.

It was but a few years after the publication of the article from which the facts above are taken that the Superintendent of Public Instruction in the Territory of Iowa made the following statement: "It is exceedingly to be regretted that any citizen of our proud Territory should feel anything like indifference to the interests of our schools — to education. That he should imagine he has no interests to secure — no influence he can exert — no information he can give — no duty to perform or talent he can improve in this all important cause, for which he is accountable both to his country and to his God."<sup>2</sup> This outburst of regret was due to the failure of officers to perform their duty in applying and enforcing the new school law. And while there were many reasonable explanations of this neglect one may find similar complaints of indifference to education during a long period after that time. It is evident that the officials charged with the administration of the school laws had not been taught that citizens had definite duties and obligations which ought not to be neglected.

It is well known that under our first statutes teachers were examined by local officers, called township inspectors, who were strictly enjoined to "examine all persons presenting themselves touching their abilities to teach, both in regard to their education, and their moral character, and if he find said persons qualified, he shall give a certificate to this purport." Some difficulty arose in executing this provision inasmuch as the law did not prescribe the branches to be taught in the schools and hence the exam-

<sup>2</sup> *Report of the Superintendent of Public Instruction in the Journal of the Council, 1841-1842, p. 280.*

ination might not cover the subjects which the candidate would be expected to teach. A director might require the teaching of branches which the inspector had not included in the examination; and in order to harmonize these agencies, it was believed that the law should clearly specify the subjects to be taught in the common schools.

Along with this suggestion there was another which would permit a division of instruction so that the common branches — primary branches as distinguished from a “thorough course of academic instruction” — would be generally taught throughout the State, while subjects of a more advanced nature would be presented in higher schools. This suggestion made in 1848 marks the beginning of independent district higher schools — at least in this State. From that time, it seems, there has existed a notion that there must be a line, a clearly established line, between elementary or common schools and academic or higher schools. Such a distinction is not, perhaps, peculiar to Iowa but corresponds to older notions engrafted upon our school organization from the start — especially since borrowed statutes provided largely for the educational foundation up to 1858.<sup>3</sup>

The duty of the common school to measure up to its opportunity in Iowa was earnestly urged as early as 1850 by the Superintendent of Public Instruction, Thomas H. Benton, Jr., who called attention to the striking advantages of the public school. It was designed for no special class: it was for all alike. Its mission was clear — it stood for free, universal education. Drawing his conclusion from the educational activities of the entire country the Superintendent said: “We stand pre-eminent among the nations of the earth, destined at no distant day to rule and govern

<sup>3</sup> *Report of the Superintendent of Public Instruction in the Journal of the Senate, 1848-1849, pp. 305, 306.*

the world. To rule and govern the world did I say? No, but to *teach the world how to rule and govern itself.*"<sup>4</sup>

## II

### EARLY INTEREST IN THE SUBJECT OF GOVERNMENT

Since prominence was given during the first twenty years of our State history to the academy and other private institutions which cared for the interests of advanced pupils, it is in the courses of study of such schools, if anywhere, that one would expect to find subjects relating the student to his country's history and government. It was the general opinion that the common branches only belonged to the elementary schools. In connection with the first college course available—that of Iowa College in 1854—one notes *Story on the Constitution*, as a text pursued during the third term of the senior year. Again, in that idealistic course proposed in 1855 for the Female Eclectic Institute at Davenport, there are found the subjects of "political science" and "political economy" separately listed although they became hopelessly confused in later curricula. About the same time (1854) Burlington University, although it had then no collegiate department, mentioned international law and constitutional law as subjects for senior men and fourth-year women. Likewise, Shurtleff's *Governmental Instructor* was used as a text by Denmark Academy in 1855. In 1859 the Lyons Female College presented the Constitution of the United States as number nine in its list of studies. The subject was to be pursued, it seems, in the preparatory department. West Liberty Academy in 1860 advertised instruction in mental, political, and moral philosophy and political economy.<sup>5</sup>

<sup>4</sup> *Journal of the Senate*, 1850-1851, Appendix pp. 175, 176.

<sup>5</sup> *Catalogue of Iowa College*, 1853-1854, pp. 9-12; Aurner's *History of Education in Iowa*, Vol. III, p. 385; Vol. VI (in manuscript), Chap. VI; *Catalogue*

In 1862 Denmark Academy offered courses in the science of government and political economy. Under the department of ethics Griswold College, in 1865, offered courses in constitutional and international law and political economy. In 1866 Cornell College, under the heading of philosophy, included political economy and the history of civilization among the subjects assigned to the junior year. Likewise, Tabor College, in 1867, required political economy of men in the junior year, and in the senior year a text on the Constitution of the United States by Curtis was made the basis of a course. Women were allowed to pursue the former subject—a rule which, it appears, was also adopted in other schools. By 1869 Iowa College included in its curriculum political science, political economy, and the science of government, while lectures were to be delivered on the Constitution and on municipal government by John F. Dillon and others.<sup>6</sup>

There are only a few instances during the period covered by this discussion in which the curricula of the public schools show any attention to the study of government or social conditions. The first course of study extant, that of Dubuque in 1856, had the Constitution of the United States as a subject for the highest class of the third department—the grammar grade. Davenport in 1859 when forming its first high school course included the study of the government and Constitution of the United States. It is noted also that the high school at Burlington in 1864

*of Burlington University, 1854–1855, pp. 16, 18, 22; Catalogue of Denmark Academy, 1855, p. 12; Catalogue of Lyons Female College, 1859, p. 9; Catalogue of West Liberty Academy, 1860, p. 12.*

<sup>6</sup> *Catalogue of Denmark Academy, 1862, p. 13; Catalogue of Griswold College, 1865, pp. 8–10; Catalogue of Cornell College, 1866, p. 23; Catalogue of Tabor College, 1867, pp. 15, 19; Catalogue of Iowa College, 1869, pp. 18–20; see Aurner's History of Education in Iowa, Vol. VI (in manuscript), Chap. XII.*



provided for a study of the Constitution of the United States and also that of Iowa during the third term of the first year. In 1868 the high school students at Iowa City studied the Constitution of the United States for one year.

In view of these facts it is somewhat surprising that the committee on branches to be taught, which in 1858 submitted its report to the first State convention of county superintendents, did not refer to anything nearer to this subject than "moral lessons". It was suggested, however, that such branches as would meet the "immediate educational wants of the community" should become a part of the instruction in the proposed county high schools. The committee also proposed vocal music and calisthenics for the sub-district schools and ancient geography and ancient languages for the higher schools in the townships.<sup>7</sup>

The freedom of the individual to choose concerning his education or that of those dependent upon him seems to have been questioned in the Constitutional Convention of 1857. It was said then that "if a government should be arbitrary, should be thoroughly despotic, upon any one subject, it should be upon the subject of educating the youths of the country." During the debates of this convention reference was made to the independent districts — little republics in themselves as they were called — which controlled the school organization and the subject matter of instruction; and it is evident that some fear of arousing prejudice on the part of local interests was present in the convention. Nevertheless the whole debate on Article IX of our present State Constitution reveals the unanimous opinion that public education must be provided in order to establish a stable republican government. Although there

<sup>7</sup> Aurner's *History of Education in Iowa*, Vol. III, pp. 179, 185, 212, 288; *Rules and Regulations, Iowa City Public Schools*, 1868, p. 12; *The Voice of Iowa*, Vol. III, p. 51.

were radical differences of opinion on methods of organization there was no doubt but that in some way the State must assume responsibility for the development of an enlightened citizenry.<sup>8</sup>

Among the important steps which helped to clarify the idea of the purposes of education none, perhaps, was more influential than the report of the commissioners to revise the school laws of this State which was submitted to the legislature in 1856, just before the meeting of the Constitutional Convention of 1857. Mr. Horace Mann was the chairman of that commission, a fact that needs to be remembered when the principles laid down in the report are considered. For instance, it was recognized that while every youth in Iowa would be entitled to an elementary education, some would demand an opportunity to continue their education into the higher fields of study. The State would be expected to afford such advantages, *provided it might thereafter have the full benefit of their services to itself*. This was a perfectly clear statement of obligation on the part of the trained student. Education was understood to be a special training to fit individuals for more useful public service. To be sure, the details of the control of education and the content of instruction were left to be worked out, but the principles which were to be followed were distinctly indicated.<sup>9</sup>

When it was proposed to tax the property of the State to support the schools a new interest was aroused among those who had been accustomed to pay according to service rendered to the individual members of their families, or not at all. In other words *free* schools and universal education aroused the public to a new sense of obligation which was not to become fully recognized until a period of practice

<sup>8</sup> *The Debates of the Constitutional Convention, 1857, Vol. II, p. 820.*

<sup>9</sup> *Journal of the House, 1856-1857, Appendix, pp. 192, 193.*

had shown not only the advisability but the great advantage to be derived from educated and trained citizens. Perhaps even to-day this responsibility imposed in the form of taxes would be more cheerfully accepted if results were clearly manifested in a more reliable, praiseworthy, and constant citizenry.

Some friends of education observed in 1860 that the association of its interests with party politics had proved detrimental; and thus early in the history of the new school law of 1858 there were signs that its purposes might not be fully realized. It was urged that the State should protect the schools from such interferences and provide a "mental and moral training, which qualifies the citizen for his station in society and thus forms the ground-work of social stability." And in all popular elections of school officers party distinctions should be disregarded; qualifications alone should determine fitness; and in all respects the influences of the schools should be such as would produce enlightened and trustworthy citizens.<sup>10</sup>

### III

#### ATTITUDE OF THE TEACHERS—FIRST PERIOD

Through the efforts of Iowa teachers and their friends, four hundred educational lectures in support of the new school law were delivered in Iowa during the years 1858 and 1859. Not less than 25,000 persons, it was asserted, were addressed during the campaign. The following objectives were definitely set forth: (1) to arouse the teachers; (2) to create interest among the citizens generally in the "full and proper development of the Moral, Intellectual and Physical of every child in this heaven-favored State"; and (3) to urge a thorough and impartial trial of the new law. It is such action that seems to warrant the

<sup>10</sup> *The Iowa Instructor*, Vol. II, pp. 19, 39, 41, 42.

conclusion that the teachers — or at least their leaders — were engaged in the promotion of practical and effective citizenship.

Early in 1860 the members of a teachers' institute assembled at Osceola in Clark County adopted resolutions in substance as follows:— They endorsed the doctrine that a well regulated and efficient system of schools was the basis of permanence in government, and asserted that education of all youth was the surest means of preventing crime, protecting property, elevating morals, and increasing wealth and general happiness. As teachers, they declared that they would endeavor to train pupils in the "fundamental principles of our Government and of loyalty to the confederation that our blood bought institutions and priceless liberty may be preserved." And they advocated the introduction of the fundamental principles of the Common Law as a school subject in order that people might become informed, peace and harmony be thereby promoted, and law suits be less frequent.<sup>11</sup>

By similar action in 1862 the teachers of Cedar County declared: "we will endeavor to impart to our pupils a general knowledge of the fundamental principles of our government, and instill into their minds a love for our Union, that our blood-bought institutions and priceless liberties may be preserved." Two years later the teachers of Wapello County expressed the opinion that every teacher should be familiar with the Constitution and history of the United States. It was the duty of the teachers to acquaint their pupils with these subjects and to provide instruction in "sound patriotism". The teachers of Buchanan County asserted that it was the duty of all teachers to instruct the children of the common schools in the great truths which underlie the foundation of our government; and that it was

<sup>11</sup> *The Iowa Instructor*, Vol. I, pp. 45, 238, 240.

the duty of nations and communities as much as individuals to abide by the rule of right.<sup>12</sup>

In the same spirit other assemblies of teachers set forth their purposes. Madison County teachers declared that they were ready to use all reasonable means to make themselves better citizens and to cultivate the principles of truth and patriotism in the hearts of their pupils. In Cerro Gordo County resolutions were adopted declaring that loyalty to the government should ever be the distinguishing mark of the teaching profession and that the county superintendent should withhold a certificate from any one not *known* to be true and loyal to the national government. In Ringgold County, in April, 1865, the teachers determined to use all their influence on the side of right and government and adopted the following principle of action: "the inculcation of sentiments of patriotism in our pupils, teaching them to reverence our Constitution and Laws as second only to their God." From Jasper County came a similar response in the declaration of the teachers that they would endeavor to kindle in the hearts of their pupils a spirit of patriotism; and they added the warning that any person who did not express appreciation of the soldiers in both word and deed was not worthy the name of citizen, much less the position of teacher.<sup>13</sup>

In Calhoun and adjoining counties a joint institute adopted a resolution that "we as teachers devote our time and talents to the restoration and preservation of the Union by teaching as far as we are capable the present and especially the rising generation the principles of self-government." In Sac County and other counties associated therewith in an institute the teachers pledged their best

<sup>12</sup> *The Iowa Instructor*, Vol. III, p. 124; *Iowa Instructor and School Journal*, Vol. VI, p. 127.

<sup>13</sup> *Iowa Instructor and School Journal*, Vol. VI, pp. 154, 289, 290, 321.

efforts to convince parents that it was their duty to give their children a liberal education in the arts and sciences "including that of Government." In Cass County it was declared to be the duty of the teachers to impress upon the rising generation the value of free institutions and the necessity of preserving and perpetuating a government that fosters and protects all that is dear to a free people. Likewise in Keokuk County the teachers were desirous of inculcating in those under their instruction a love of country and the spirit of a free government. No one not thoroughly in sympathy with such a doctrine, it was declared, should be permitted for one moment to control a school. In Winneshiek County also it was recognized that the national crisis placed responsibilities upon the teachers who pledged themselves to make known the principles of universal freedom and to engage in any service which would benefit the cause of liberty.

In 1865 the teachers of Buchanan County again declared their belief in the principles of freedom and equal rights which were the foundation of this government. They agreed to use all their power in training their pupils to respect and honor our country and its institutions — as well as those who had fought its battles. The same year Page County teachers pledged their fidelity to the nation and made a public declaration of their intention to impress upon those under their tuition the feeling of obligation to the government and the State.<sup>14</sup>

While these local groups were expressing their convictions the State Teachers Association was putting itself on record through its officers or committees as approving their acts. In 1861 Mr. A. S. Kissell during his address as

<sup>14</sup> *Iowa Instructor and School Journal*, Vol. I, pp. 336, 400, Vol. V, pp. 127, 160, 352, Vol. VII, pp. 61, 94.

president of the association said: "In times of great political and financial distress, like the present, superficial minds are disposed to neglect future interests in providing against present calamities." In this connection he emphasized the hopeful side of government by a free people, asserting that while the "ravages of a foreign war are terrible, and the fierceness and extermination of civil strife are still more fearful; yet, in great civilized nations, these are comparatively but temporary evils. For a moment the reins of government are tightened, the enginery of battle is let loose, business briefly pauses, the property of a few changes hands, some noble and heroic ones perish on the field of victory, and all is over. Business resumes its accustomed channels, the noise of battle is hushed, government relaxes her hand, and the elastic energies of a nation rebound to a fresher and more vigorous prosperity."

Continuing, he pointed out the great conflict of truth, learning, and virtue against ignorance and vice which must remain a problem for all in time of war as well as in peace; and citing the action of Prussia in maintaining schools, while under the domination of a conqueror, he asserted that if such a policy had been wise for that nation far behind us in the enjoyment of civil and religious liberty, how "forcibly does it commend itself to a government based upon the individual power of the people, through the elective franchise."

Since the status of education during the war would soon have to be decided by the people, it was declared to be the duty of the State Teachers Association to use its influence to prevent any lowering of the educational standard. What advantage, it was asked, would victory bring to an ignorant people? If the common schools were securely protected "no foe, either foreign or internal", could overthrow this government since the "spirit of freedom" would rise

from "every defeat, to inspire humanity anew with more determined zeal". Besides, the Association could not be "indifferent to the fact that many of the legal advantages which we enjoy, stand upon a very precarious foundation" inasmuch as they could be overthrown by a mere party vote: a majority of those who sought to carry popular elections were not the ones best suited to advance the educational interests of the State. Such men only as had shown themselves able and trustworthy should be supported for office.<sup>15</sup>

It was during the same session of the Association that the committee on the "Increased Importance of Continuing our Public Schools" submitted for adoption a resolution which declared that "the liberties of the American people are more safely guarded by the success of our public schools, than by fleets and armies." At the same meeting, August 20, 1861, Professor Oliver M. Spencer of the State University made a stirring address in which he declared that the teacher must be a patriotic man, not a mere partisan, but a genuine patriot. "His love for his country should be next to that for his God . . . . He should not only entertain such principles himself, but endeavor to instill them into the minds of his pupils. At such a time as this, when our distracted country is torn and rent by civil dissension, this should constitute one of the great staples of his instruction . . . . I would to God, to-night, that every teacher in our land would bring his pupils as Hamilcar did Hannibal, to their country's altar, and there bid them swear eternal enmity to political wrong."

The speaker was in doubt as to the length of the contest just then beginning, but hoped "though it may take the last dollar and the last man, that it will last until the damnable doctrine of secession has forever received its

<sup>15</sup> *The Iowa Instructor*, Vol. III, pp. 6, 7, 9, 10, 33, 34.



quietus. Some say it will last ten or fifteen years. At any rate, we shall have to educate a generation of soldiers, and when the war shall have been brought to a happy issue, as we all hope and trust it may, it will still be necessary for us to cultivate a martial spirit, whilst we shall learn from our present unhappy experience, that the surest way of avoiding war is always to be prepared for war."<sup>16</sup>

In 1863 the State Teachers Association, in session at Grinnell, adopted the report of the committee on "the state of the country", which declared that in times of national calamity it became the duty of educators to identify themselves heartily with the cause of their country. Education, moreover, it was decided, should include training in the preservation of good government. The teachers pledged themselves to renewed vigilance in aiding the perpetuation and growth of free institutions. Again in 1865 a general pledge was made to favor the orphans of soldiers; and the State was exhorted to provide a home where such children might be taught to respect, to admire, and to love a government which made such provision for its dependents and be reminded of the honor in which their fathers were held.<sup>17</sup>

At the meeting in 1865 State Superintendent Oran Faville spoke on "The Relation of the Teacher to the State". It was his conclusion that the teachers had never before had such an opportunity for constructive work. The war had been one of principles: force had determined not only the rights and duties of the government but also the rights

<sup>16</sup> *The Iowa Instructor*, Vol. II, p. 370, Vol. III, pp. 103, 104, 120.

Professor Spencer referred in this address to his recent visit to the University of Michigan where a military department had just been established. He would have a similar department at the University of Iowa. It was in December following this address in August that the State Board of Education passed an act establishing such instruction.—See *School Laws of Iowa*, 1864, p. 39.

<sup>17</sup> *Iowa Instructor and School Journal*, Vol. V, p. 12, Vol. VII, p. 5.

and duties of citizens. The government was now entering upon a new epoch or career, and statesmen would require the most profound wisdom in order to properly frame constitutions and draft laws. On no class of workers, however, would the demand be "more imperative for well-directed effort than upon the teacher."

The triumph of free institutions in the contest just closed had revealed the important work of the public schools. One could now comprehend the assertion that "virtue and intelligence are the safeguards of a republic", and teachers were to be commissioned anew for the continuation of such work. However able the press, the pulpit, and the higher institutions of learning, these could not reach the masses of the people until some elementary work had prepared a foundation for their teaching. In addition to all the former motives for adequate education there came an appeal, nay, a demand, from both the dead and the living soldiers that the children be made *patriotic* citizens. Never before had the relations of the teacher to the State been so clearly defined. And furthermore, he asserted, our social and political life would be lifted and purified "just in proportion to our estimate of the office of the public school teacher."

In addition to all former requirements, Mr. Faville declared, the State now demanded that the teacher should not only instruct in the rights and duties of the American citizen but that he should also "instill such a love for republican institutions, such a reverence for the Union, that its fearful cost of restoration may never prove to have been too dear; in fine, to bind the conscience and the intelligence of the youth to our great national ideas." In order to accomplish this the rules and formulas of text-books would be insufficient. On the contrary there must be "lessons from life, from history, from the Constitution and from

the Bible." Indeed, the ability to teach only such branches as the law specified would scarcely qualify one to instruct children who were to assume the "duties and responsibilities of a regenerated nation": the State would expect the coming generation to "possess an enlightened conscience and a developed intellect"—in fact, they must be "*fully* trained for citizenship." Problems of reconstruction resulting from the war were such that the teacher could not be neutral; but they must be met in a patriotic rather than in a partisan spirit, unless, indeed, "he is a partizan who teaches regard for law—love for the Union and respect for its brave defenders."<sup>18</sup>

Again, in 1866, the State Teachers Association expressed its belief that national security could be maintained only by the proper education of all citizens of this country, and that national provision should be made for the development of such a general culture among the masses as would give a right comprehension of the spirit and working of free institutions. At that session Professor Leonard F. Parker of Iowa College presented an appeal for universal, patriotic education. He said, in substance, that a state or nation fostered education for the interests it considered most important. History had shown this to be true since education was "rigidly confined in quantity and quality to the limits of governmental advantage." When a government was founded on popular will and maintained and directed for public benefit, however, the educational policy would naturally take wider range. In such instances there should be no limits to the provisions until a point had been reached where further expansion would raise the interests of a few above the whole number. The people of this country had nothing to discourage and much to encourage them in the most liberal measures for education. But while

<sup>18</sup> *Iowa Instructor and School Journal*, Vol. VII, pp. 33-36, 38-41.

education might be encouraged and supported because, for instance, it tended toward an increased wealth, or because it enlarged the powers and trained the intellect of the individual, it should be first of all "*American*, broadly, generously and invariably American".

It had been observed, declared Professor Parker, that "school systems of all nations are planned to give strength and permanence to the governments . . . . education in America is *for Americans and from them*, and it should be written *all over* with living proofs of its *origin* and its *object*." And more specifically: "American education should be *brim-full of patriotism*", which meant, it appears, a "*rational, broad, hearty love of country*" rather than a merely local interest. Thus far, he said, we had "education in America, but technically no American education", by which he meant that there was no national educational system or ideal. It would be wise to nationalize instruction in order to force certain sections of the country to come up to such a standard of intelligence that no voter would be unable to read. Since the general government must exercise the right to punish the infraction of laws, ought it not, therefore, to make some direct "effort to instruct each citizen as to his duty?" National legislation was felt to be necessary, and the Federal government was urged to "incite all to a lofty patriotism by acquainting them with the excellencies of our government and enabling them to appreciate its worth and its claims, and to learn how the public good comprehends and fortifies the interests of each." The address was an appeal for universal, patriotic education under a centralized authority, if necessary, to carry out its provisions.<sup>19</sup>

<sup>19</sup> *Iowa Instructor and School Journal*, Vol. VIII, pp. 16, 70-76.

## IV

## ATTITUDE OF THE TEACHERS—SECOND PERIOD

If one may judge correctly from current publications and the proceedings of meetings in which teachers were in control, there was a slackening of enthusiasm for patriotic instruction following the period outlined in the preceding pages. This conclusion does not imply that those giving instruction in the schools were any less patriotic personally, nor that they would not have joined heartily in any movement designed to promote better citizenship. But the thought of the teacher had been diverted in other directions: the inspiration of the reconstruction period was overshadowed by the commonplace problems.

About 1876, however, when the thought of the nation was directed toward the hundredth anniversary of its birth, the entire country became interested in history and government. Such a revival is shown in the proceedings of the State Teachers Association, and there has been since then no total neglect of the subject. Among the first to suggest a larger attention to political subjects was Superintendent N. E. Goldthwaite of Boone who, at the Grinnell meeting in 1876, delivered an address on "Political Science in the Public School".

He began by calling attention to the teachings of Herbert Spencer who put a "knowledge of our political relations, and of the municipal laws that surround us" as fourth in the relative importance of knowledge. To be sure, Mr. Goldthwaite might have referred also to the third of Mr. Spencer's group—a knowledge of our social duties—inasmuch as we have come to include much of this in our discussion of civic functions. To set forth reasons for the study of government in the public schools, however, was at least opening up a new subject for discussion. Such knowledge was slowly being recognized as essential to

scholarship; and if the young American citizen wished to aspire "to any influence or consideration among his fellow countrymen", he must be thoroughly informed on the principles of the government under which he lived. With this idea in view argument for the "science of government" as a school subject was presented.

The nature of our government, it was argued, made it essential that every man should be informed not only as to his responsibilities as a citizen, but also as to the processes by which his rights might be maintained and his influence be made effective in public affairs. In addition to instruction in "morality, temperance, justice, moderation" and other virtues which were desirable in a republic, it was believed to be as important to teach "the elements of political science in a school where just and intelligent sentiments prevail. The family, society, and the affairs of life may do their part in this grand work, but all of them will not excuse the public school from its responsibility". Well known events in the country's history were briefly recounted to prove that the democratic spirit of equality could be comprehended only if special attention was paid to the evolution of government in those countries where the people ruled through their own prerogatives.

It seems certain that events then being enacted had led to the selection of this topic for presentation before the State Teachers Association in 1876. In several of the States of the Union there was not only unrest but actual conflict between rival political organizations; and there were many exposures of mal-administration in the public service. An exciting presidential campaign had just been closed and was yet undecided; while in the recent centennial exhibition attention had been drawn to the activities of other nations. This fact, perhaps, accounts for the urgent appeal for the study of international law in high schools and

other secondary institutions. Because of our intimate relation with other nations in trade and in diplomacy it was becoming evident that people should be informed, to some extent at least, on the law of nations. Current events, likewise, offered a profitable field for instruction so that the actual workings of society might be more readily understood.

One speaker denied emphatically any intention to introduce partisan politics into the school room — which was one of the objections to the proposed instruction in government — declaring that it was desirable to present only those “general principles of political science that underlie the fabric of our national institutions, and upon which all parties agree. We desire to notice the comparative advantages and disadvantages of free and liberal institutions over those hereditary and prescriptive governments that exist in Europe and Asia. Let our youth be taught the reasons that induced our ancestors, at the expense of life and treasure, to establish the form of government that we enjoy.” A knowledge of the patriotism and achievements of those founders of our government would tend to overcome the “rancor and bitterness” so often present in political contests. Certainly it would be as proper to teach the “principles of patriotism, love of country, knowledge of her institutions, a comparison of them with the institutions of other nations, and even to inquire into the character and policy of the two great parties that always exist in a free government”, as to teach family affection and loyalty.

Although want of time was often set up as an obstacle to the introduction of such subjects into our schools it was pointed out in this address that if the need of such instruction was clearly shown time must be found for it. And it was forthwith suggested that the time given to arithmetic

might be reduced and the details of geography or technical grammar omitted, in order that time might be available to form the "manners and characteristics of our future citizens."<sup>20</sup>

In 1877 Miss Phoebe W. Sudlow, the president of the State Teachers Association, called attention to the situation then as compared to that of the year before. The events of the year had not been a "pleasing retrospect and national self-gratulation"; on the contrary there were serious problems before the public. There were questions in "national politics and social economy" that had to be considered and answered. Although the Association had not assembled solely for the discussion of such problems, Miss Sudlow declared that as educators of youth "whatever affects the future manhood or womanhood of her citizenship" merited consideration.

It was at this session that Professor Jesse Macy of Iowa College made the definite contribution of a well organized plan for teaching "political science". In presenting his method he said that "it is but fair to contend that those who have a voice in a government, should have some idea of the principles on which that government is based. The rudiments of political science should, therefore, be taught in every common school." Mr. Macy believed that the instructor should begin with the road district and teach the duties of the officers connected therewith; and the study of the township, the county, the State, and the nation with their respective organizations would follow. During discussion of this paper by Superintendent James H. Thompson and others, the opinion was expressed that the subject should be introduced in the intermediate grades. It is to be noted also that in the resolutions adopted at the close of the session the Association endorsed the views of the

<sup>20</sup> *Proceedings of the Iowa State Teachers Association, 1876*, pp. 29-35.



speakers who discussed this subject, for it was resolved that a "general acquaintance with social and political science especially as revealed in history, is increasingly important, and should be taught as early and as thoroughly as possible; in their elements in the lower schools, and in their wider relations in the higher."<sup>21</sup>

Again, in 1878, Superintendent Henry Sabin of Clinton in his address as president of the Association said that "in the light of recent discussions, we ought to re-affirm our convictions, that as a free state necessarily imposes duties and obligations of a high order upon its citizens, so it is the duty of the state to furnish for its children, an education commensurate with the intelligence it will demand of them as citizens". At the same session President George T. Carpenter of Oskaloosa College delivered an address on "The Reciprocal Relations of Our Public Schools and the State and General Government" in which he set forth his belief that the teacher should "instruct every embryo American citizen in the elements of *republican government*, of the *relation of capital and labor*, of *rulers and people*." He would have the child taught early what money is and also "the relations between nation and nation, state and

<sup>21</sup> *The Iowa Normal Monthly*, Vol. I, pp. 174, 182, 186.

The outline on local government used by Professor Jesse Macy in the Poweshiek County institute in 1880 was in substance as shown below. It was distributed to the teachers who were to use it later in their own schools. Subsequently, (in 1882) a pamphlet was prepared for general use and counties ordered them in large numbers. The outline was probably followed in the order presented. Under each head there were suggestions of the duties of each officer.

#### Objects of Government

1, Protection; 2, Public Improvement; 3, Education; 4, Care of Unfortunate.

#### County Government

1, Supervisors; 2, Auditor; 3, Treasurer; 4, Recorder; 5, Surveyor; 6, Sheriff; 7, Coroner; 8, Clerk; 9, Superintendent.

#### Township Government

1, Road Supervisor; 2, Trustees; 3, Clerk; 4, Assessor; 5, Justices of the Peace; 6, Constables; 7, Sub-director and School Board. — *The Iowa Normal Monthly*, Vol. XX, pp. 317, 318.

state, of the individual to his government, of individual to individual". Indeed he would introduce "one more new text-book, which should combine the elements of political economy and moral philosophy. Any educational system that fails here, fails of its true end." If too many subjects already occupied the attention of the public school, Mr. Carpenter declared that he would "let the most important of these take precedence. And what can be more important than the knowledge of our relations to the government of which we each form so important an integer? Discard . . . any one of a half dozen other studies crowded into some of our school courses, but add a suitable work on Social and Moral Science."<sup>22</sup>

Another Iowa teacher, Superintendent J. W. Johnson of Knoxville, in pointing out the desirable improvements in practical training said, in 1879, that the school must inspire a warmer love of country. "When the fires of patriotism shall go out", he declared, "when in pursuit of wealth or power we shall forget our country's honor then shall the star of our glory go down forever. It must teach the necessity of, and correct theories concerning government; must analyze and defend the principles of our Union; must create national pride and national honesty; must rear hearts too pure and noble to defraud or debase the land that gave them birth and protects them in social and religious privileges. It must bring all men to see that no higher duty falls to man than the right understanding and right exercise of political principles, and that he who neglects political duties because demagogues corrupt the ballot is unworthy and weak. We must have the best men at the front in politics and the school must put them there."<sup>23</sup>

<sup>22</sup> *The Iowa Normal Monthly*, Vol. II, pp. 177, 218, 219.

<sup>23</sup> *The Iowa Normal Monthly*, Vol. III, p. 240.

In 1880 Rev. A. L. Frisbie of Des Moines appeared before the State Teachers Association using for his evening address "The Teacher As an Ally of Good Government." In the very beginning he drew a contrast between the German and the American teacher, showing that while the former was more directly connected with the government the latter had a much greater opportunity to influence the character of the government under which he lived. The pupils of the American teacher were finally the "sovereigns in the state through the use of the ballot box, and many among them might rise to the highest official positions, almost beyond the reach of the German just entering upon life." The teacher was held to be "an ally of good government by as much as he helps to shape a citizen" who would support the right under all situations, be obedient to the truth, and become a self-governing agent in the interests of all that is best.

The next year State Superintendent John W. Akers took for his subject "The Teacher's Responsibility as a Citizen"; and discussed the moral, social, and political responsibilities of the public school teacher. Although all these duties claimed, or should claim, some portion of time and some care, attention was called to the fact that the political responsibilities were both "numerous and important". To discharge these obligations in such a manner as to increase the influence of the teacher would always require the "exercise of great prudence and sound judgment." Although a teacher should take an active part in politics, Mr. Akers did not believe that he could become a partisan in such a sense as to engage in campaigns with any party. It was to be understood, however, that to influence an election indirectly for good government was a strictly legitimate political activity. At all events the teacher should "take a high stand among men — able, competent and willing to

discharge the whole duty of a citizen and content to do nothing less''. An active participation in all things pertaining to citizenship was the duty of everyone in a community where each citizen might exert some influence in shaping laws and, to some extent, in determining the character of the government.

Superintendent J. J. McConnell of Atlantic discussed the same subject: he interpreted it as the responsibility of the teachers in their relation to society. A clearer appreciation of such responsibility might be gained, he asserted, by recalling the object of the entire educational system. That was the fitting of youth "for the duties of citizenship." The teacher ought to be such a citizen as he expects his pupils to become, and should be active in supporting all movements for the betterment of the community. As a class, he said, teachers were charged with neglect of public duties which really belonged to them. There were reasons why men and women engaged in teaching failed to exercise their prerogatives as citizens in the fullest sense, and their "dependency upon public favor" for employment was not the least of these.

In this discussion there was a portion which it seems proper at this time (1919) to quote in full: "What shall be the character of our citizenship in the future is a question that is to-day [1881] pressing for an answer. It is being asked by our best men with much anxiety. Whatever it is to be, it is to develop from incongruous and conflicting elements . . . by our large immigration the principles that threaten the thrones and endanger the empires of the old world, are being rapidly transplanted to this continent. Our first and our highest duty is to mold into a new creation these incongruous elements; to teach those who come to us to forget their allegiance, in every sense, to the nations they have left, and to fall in love with our institu-

tions, to which they have come for protection." And finally it was said that schools needed to teach patriotism more than arithmetic, grammar, or history.<sup>24</sup>

Other school men were of the same opinion. In 1882 Principal O. C. Scott of Oskaloosa said that since the high school was maintained to instruct those who were to participate in the government of the country it should teach what that government represents, that is, its aims and how they are to be accomplished. In addition to the study of the Constitution of the United States, the Constitution of the State, and the organization of the government, it was urged that young people should be instructed in the legitimate powers of the various departments by which the government is administered. What, for example, is the authority of the legislature and what are the limitations on its powers?

The next year President George F. Magoun of Iowa College proposed additions to and subtractions from the course of study commonly considered fundamental. He advocated teaching the duty of the individual to society and the characteristics of the various forms of government under which society was organized. It was really absurd, he declared, to postpone such teaching until the pupil was mature enough to take up an analysis of the constitution. What would the young citizen be learning about his duties and obligations in the meantime? Might he not infer that there was no authority over him other than the home and school government? The civil community might be farthest from his conception; and with such a body of untrained and uninformed youth what could the government expect in the way of an intelligent performance of the duties of citizenship?

The various aspects of training in the home, in the

<sup>24</sup>The *Iowa Normal Monthly*, Vol. IV, pp. 152, 153, Vol. V, pp. 202-205.

church, and in the school were, according to President Magoun, wholly insufficient to prepare the pupil for the discharge of the duties which would come to him as a citizen of this republic. In other words, the authority of the civil government must be felt and understood. "For a whole generation", he said, "I have been arguing for this addition to our common school work, even at the cost of some subtraction from grammar and geography", and if need be some slight infringement upon the three R's. Besides it had been his belief for nearly as long that such instruction should commence with the "lowest and simplest civil organizations, the school district, the township, the ward, the town, the city, those that are nearest to the pupil and should be most familiar and binding". In this connection he referred to the application of this plan to the common schools by "a professor in one of our colleges"—a reference to Professor Jesse Macy who, in 1880, had presented his outline of local government at the Poweshiek County Institute.<sup>25</sup>

In 1886 the president of the Association, Professor M. W. Bartlett, raised the question, "How can the schools contribute more efficiently to a better citizenship?" He asserted that the State had never approached the subject in a manner which promised a solution of the problem of training citizens. Our best security, it seemed to him, lay in education along the lines which would give a broad understanding of the basic truths of social, political, and moral science. An education which is paid for by the State should secure results of direct benefit to the State: such education, in short, should make good citizens, fitted and able to serve the people rather than trained merely for personal advantage. He insisted, however, that it would be

<sup>25</sup> *The Iowa Normal Monthly*, Vol. VI, p. 254, Vol. VII, p. 319, Vol. XX, p. 317

discovered that what was best for the individuals would in the end be best for the State also. The entire address was a discussion of the problems of moral and civic instruction and an appeal for progressive action.

There were at the same time other evidences of interest in this subject. It was early recognized that while the study of political administration should be considered in making up the school program, social and economic problems must not be neglected. Even the work of assimilating the immigrant was discussed, for it was believed by some that if the country failed in this it would lose something of its original character and fail to measure up to the ideals of its founders. There must be some positive action in transforming the foreign element into intelligent citizens. All might desire liberty of thought, speech, and action; but such freedom, if not regulated by knowledge and patriotism, might become dangerous to the community. The question to be answered was what was meant by liberty and how it could be exercised in conformity with the obligations of a true citizen? Before the close of the session in 1886 a committee which, it appears, had been making some inquiry on this subject reported that among twenty-three high schools which had answered the question, "To what extent are civil government and political economy taught in your school?", all replied that civil government was in the curriculum while about one-half included political economy.<sup>26</sup>

The session of the Association in 1887 might well have been characterized as a citizenship meeting, inasmuch as at least four addresses or reports related to this subject. First, in the address of the president, Superintendent L. T. Weld, the good citizen was defined as one who loves his country and zealously supports its interests: he would pro-

<sup>26</sup>*Proceedings of the State Teachers Association, 1886*, pp. 35, 36, 58, 165.

tect its rights and maintain its laws and institutions. Such citizens, Superintendent Weld declared, should be secured by home and school training. "He who honors and obeys proper authority when a child will honor and obey the mandates of law when a man." Such a law-abiding citizenry ought to insure national prosperity. Throughout the address there was a plea for more attention to instruction in government: it was believed that too little consideration had theretofore been given to this subject.

Indeed, the subject of civics both in the public schools and in the colleges came before the Association at this time. Superintendent A. A. Weaver of Webster City presented the subject as he thought it should be taught in the public schools. Since the American child was to become an integral part of the United States, which takes its rank and position among the nations from the average intelligence of its citizens, what more important subject than the "nature, rights, duties and obligations of citizenship" could occupy the attention of teachers and pupils? In this matter, however, the schools had been decidedly deficient. Indeed, Mr. Weaver wondered what the pupil really knew of the government which he was taught to regard as the best on earth. And further, what had the schools done to equip the young man who came to the polls to deposit his first ballot?

Although it was true that there were texts on civil government in many schools, it was well known that they failed to interest the average pupil. From such sources, therefore, little practical benefit was to be derived. On that occasion the question was put directly to the assembled educators: "How many teachers in Iowa to-day [1887] feel competent to give their pupils a real, intelligent, comprehensive understanding of the underlying principles of American government, and of the real nature



and bearing of the public questions demanding the attention of American citizenship?" The child who is old enough to read and think, said the speaker, is old enough to begin the study of civics "in its broad sense, the consideration of the duties and obligations of citizenship." While the teaching of this relationship might involve a knowledge of the machinery of government, as usually found in text-books, instruction in technical details, it was felt, should be postponed until the pupil reached the higher grades, when he was expected to have sufficient preliminary training to enable him to comprehend the "ponderous subject."

Since the youth when he becomes an adult is expected to perform certain public duties, Mr. Weaver would have all children learn something of these privileges and responsibilities as they pass through the public schools. Moreover, he believed that certain social relations involving the rights of others might be illustrated in the daily events of school life. Clearly this design contemplated the adjustment of the instruction to the period of the child's life, leaving technical terms until they became necessary to explain the organization of government. Much would depend, it appears, upon the ingenuity of the teacher and on his preparation and willingness to carry out such a plan. These suggestions were not unlike some that had been elaborated a decade before, although they were doubtless intended to cover a larger field of activity.

On the same occasion, before the collegiate department of the Association, President W. I. Chamberlain of the Iowa State College of Agriculture and Mechanic Arts presented the claims of civics under the subject of "The College and Citizenship". Within a period of four years, it appears, he had twice severely arraigned the colleges because they had failed to measure up to the new demands

by connecting their curricula with the wide range of new subjects in science; and likewise, because they trained their students to acquire knowledge rather than how to use it. In 1887 he came forward to charge these institutions with neglecting to instruct fully in the duties of citizenship and to impress students with "an intelligent, ardent and self-sacrificing love of country." In his vocabulary civics included not only the science of government but also all the rights and duties of citizenship. In college, he declared, the teaching of civics ought to include an analysis of the basis of organized society and along with that a study of the origin and history of our own government.

The colleges should dwell more on the duties than on the rights of citizens if these institutions are to fulfill their part in the educational life of a State, he asserted. From them must come men trained in sound principles of government and wise administration through the courses of study offered in them. At every step it might be shown how important was the need for "a broad and wise and Christian statesmanship"; and if the college graduates are to become such leaders the responsibility of the school wherein they are trained becomes very great. "Most recreant shall we, as instructors, be to our duty to the commonwealth and to the nation if we do not make prominent in our curriculum that most important class of studies that we group and characterize by the most suggestive name of 'Civics'."

At the same time before another department of the Association the phase of instruction in civics belonging to the high school was being presented. The period was marked by such an awakening in politics, it was said, that some careful consideration seemed necessary in order to discover what the function of the public high school really was. Unquestionably, declared the speaker, one of the

most important duties of the public school was to create a desire on the part of its students to investigate "problems of practical politics" and to become well informed in the "duties of citizenship." The plan of instruction should include: "1. A systematic inculcation of those qualities which go to make up good citizenship. 2. A knowledge of the machinery of our government. 3. A thoro understanding of the history of the civil policy. 4. Elementary instruction in political economy. 5. The establishment of chairs of political science in the colleges, with ample provisions for advanced work."

In a republican government, politics, as the subject seemed to be defined, constituted an important if not the chief element in the education of its people. And the young people of the high schools were particularly interested in the subjects which were the usual topics of conversation in the families from which they came. It was the function of the school, therefore, to encourage and to direct the thoughts of its students along the lines of a more effective citizenship; and the course in civics should contribute to that end.

Again the advantage of beginning with local government as a starting point in instruction was emphasized. It would be useless, said the speaker, to present the organization of the general government to those who by lack of experience of preliminary training were unprepared to follow the subject intelligently. At the same time no textbook alone would suffice to instruct in the well-known terms of local government: a practical knowledge would be necessary. And therein lay the promise of success in teaching, for a thorough comprehension of the local government and its relation to the individual would lay a foundation upon which the larger structure of the study of constitutions could be based. After civil government it would be

well for the students to pursue a course in political economy in order to establish right habits of thinking on economic questions. It was well known that the great majority of citizens were wholly ignorant of the "first principles of political economy", and the public high school had a great opportunity to create a spirit of independent action on the part of its students.

That objections to the expansion of instruction in civil government or civics would be raised was anticipated; and so such objections were answered in advance. The over-crowded curriculum must be rearranged to meet this new demand: it must not continue to neglect such an important phase of public interest. Two or three years of regular instruction in government should be provided even if some science or some language had to go; for no subject offered could rank in importance with the one so closely related to the life of the citizen. The most formidable obstacle to the introduction of this study in the high schools was the lack of preparation on the part of those called upon to teach the subject. And yet this could be overcome by application and an appreciation of what such preparation meant. To be sure there was no adequate text-book which could wholly meet the needs of the situation; but even that objection had been partly met. Such were the views of a practical school supervisor, whose outline for civic instruction in the elementary schools supplemented that suggested for the colleges.<sup>27</sup>

In his address on "What the Great Public Expects of Its Public Schools", Professor J. L. Pickard of the State University, president of the State Teachers Association in 1888, drew some practical illustrations from the political campaign just closed. "What lessons have we learned",

<sup>27</sup> *Proceedings of the State Teachers Association*, 1887, pp. 27, 28, 31, 88-90, 106, 110, 113, 114, 152-157.

he asked, from the so-called "educational campaign" of the political parties. Had the schools prepared the voter to make an intelligent decision upon public questions? How many had been taught the principles of free government? And, furthermore, were patriotic ideals rather than partisan belief the basis of instruction? He chose to speak on the subject of political science because he felt that it was "so closely allied with every other interest".

Among the many questions which the public schools must meet none seemed more important to President Pickard than those raised as to their responsibility for the training in citizenship. If the schools were established to insure the permanence of free institutions their instruction must be so planned as to develop citizens informed on the fundamentals of free government. Nor were the elementary steps in such instruction to be neglected. On the contrary, the occasion of an election ought to be utilized by calling attention to its management and the significance of each movement. The laws affecting daily actions might likewise furnish texts for many practical lessons. Nevertheless, education alone would not be sufficient: there must be a patriotic inclination to learn and to act; and to inspire this attitude, it appears, was the real function of the public schools.

As pointed out above, President W. I. Chamberlain in 1887 delivered an address before the college section of the Association on the subject of "The College and Citizenship". Now, in 1888, he presented the same topic from the standpoint of the public schools. Again he defined civics as "a systematic knowledge of our form of government and of the rights and duties of citizenship under it." Did civics have the status of a science in the public schools, was the question propounded at the beginning. He asserted that this question must be answered in the affirmative if

the State intended to continue the provision for free public schools. The property tax for education was justified only if education produced more skillful workers and more patriotic citizens. Without skill the republic would come to poverty; without virtue it would perish; without patriotism it would become the domicile of a selfish people, and disintegration would ensue.

Only through the public schools could such instruction reach the masses, since so few obtained a higher education. Indeed, there was reason to expect that such training should be begun in the elementary schools by giving the children an appreciation of the great resources of our nation. Such an understanding would later aid them in comprehending the rights and duties of citizens. In the high schools a study of the organization of the State and general governments and constitutions together with commercial law and political economy should be included in the course. Lastly there should be an intensive study of " 'Civics' proper, that is of the rights and duties of citizens under our free government." As to the subject matter under the head of civics the speaker said he must be "somewhat specific, as we have as yet I think no text-book that exactly meets the wants of our High Schools." He would have a text which would show the "philosophic and ethical basis of right conduct in society and under government, and show what new dangers threaten liberty . . . . and how our liberties may be preserved, increased and made more secure." With this fundamental idea in mind he proceeded to outline the content of a desirable text.

The department of secondary instruction, at this meeting, was considering the same subject. Mr. T. F. Tobin of the Vinton Academy called attention to the fact that the future rulers of nations governed by hereditary principles were trained in the practices and doctrines of their native

land. Certainly, then, it was extremely important to prepare for a similar responsibility the youth of a country in which each one participated in the affairs of government. The pupil of to-day might become a future executive or maker of laws. In any event he would aid in molding public opinion for good or ill and would thereby be an influential factor in the social organization.

The schools, therefore, could not evade responsibility for the intellectual growth nor for the civic and patriotic spirit of those intrusted to them. The preservation of this republic, continued Mr. Tobin, depended upon the training of the people in their duties toward all forms of public activity; and since the composition of the population was so varied, positive measures, even to "compelling its children and youth to be trained to understand the rights, duties and obligations, incumbent upon a citizen of this country", should be taken. Nothing less than a working knowledge of this government combined with a high type of patriotism would effectively safeguard the future of the country and justify the expenditures for public education.

That the schools measured up to this expectation was doubtful. Nevertheless, it seemed reasonable to the speaker to consider that their chief function was the training of the pupils in the science of our government and the rights and duties of citizenship. He asserted "that *civics* or civil government should assume a more important place in the curriculum of our schools". It was his belief that this subject should not be confined to the high schools and colleges, but rather that instruction in this most important feature of an education should be started as soon as the pupil had entered school and should be continued throughout the course. The teacher should be prepared to make clear the origin and nature of our government and to compare it with those of other nations in order to point out

the advantages of our own. Along with this the practical operation of the government, both local and national, should constitute a very definite part of the teaching. In addition, there were new problems arising almost daily which would provide material for consideration in advanced classes. In all departments the teacher must present a broad view of the subject and be fully prepared to arouse the enthusiasm without which no intelligent patriotism could be developed.<sup>28</sup>

About two years later Superintendent William M. Beardshear of West Des Moines used a similar argument in his address on "State Education—Its Purposes and Needs". He, too, referred to the lessons which might be drawn from the practice of foreign nations. "Any sovereign of a foreign principality or kingdom", he declared, "is taken in his youth and thoroughly indoctrinated in the genius of his government, familiarized with its history and imbued with its most loyal sentiment. There remains no more strategic point for the welfare of a nation within the power of state education than that of a judicious system of teaching civics in our schools and colleges." At the same time he called attention to the fact that the first books on civics were just appearing and that what should "constitute a citizenship education" was largely undetermined. At all events more definite instruction as to our history, institutions, and laws was demanded. He agreed with former speakers that the organization of the town, the county, and the State government, the principles governing the founding of our nation, the Constitution of the United States, and the biographies of American patriots should be used as the basic materials in a civics course. The time spent on such subjects would be used to much

<sup>28</sup> *Proceedings of the State Teachers Association*, 1888, pp. 27, 30-33, 110-112, 250-254.



better advantage than so many years of extra mathematics, for example, and a study of the relation of the individual to the government "should have the first rank in the curricula of our higher institutions of learning." Although much had already been done it was yet, in the opinion of the speaker, only the A B C of the subject.<sup>29</sup>

In 1892 Superintendent Amos Hiatt said that "the time is coming when all the children of this broad land shall be educated in the English language; when they shall become familiar with the history of this nation, and the principles of this government; when they shall be taught patriotism and loyalty to the stars and stripes without any mental reservation." Since then important events have made the authorities realize the importance of this prophecy. But during the period immediately following Mr. Hiatt's speech men went on telling what *ought to be done*; resolutions were passed approving their suggestions; and the inactivity of former years still characterized the schools in so far as training for citizenship was concerned.

In 1894 Superintendent George Chandler pointed out the relation between the school and the citizen; and in so doing he declared that the common belief that pupils were being educated for citizenship was true only in the sense that they were being trained to perform their private duties as men and women. To be sure, the primary purpose of education was understood, but material and methods used were at fault. If intelligent citizens were being turned out it was not due to any direct and matured plan of civic instruction. Those in authority were laboring under a misapprehension if they believed that the schools were preparing their pupils for definite and patriotic service to their country. From this point of view they were a "dis-  
mal failure."

<sup>29</sup> *Proceedings of the State Teachers Association*, 1890, pp. 33, 38.

Without any definite aim or concerted action on the part of the instructors it was expected that the good, bad, and indifferent elements in the school population would by some indirect process acquire a sufficient knowledge of the duties of citizenship. The government would ultimately be turned over to the men thus educated in the confident belief that all would be well. Indeed, such faith in the indirect influence of public education had been exhibited that the right of suffrage had been granted to nearly a million men of foreign birth who had never attended our schools and who were not even naturalized citizens of the United States. It was time to stop boasting about our education, declared this speaker, and to submit arguments based on facts.

Just at that time corruption in the government of the city of New York afforded a convenient illustration of the evil results of the lack of training for citizenship. Although it was granted that schools could not at once remedy the situation, there was reason to believe that they might help the coming generation to better appreciate their responsibilities. To accomplish such a desirable result, in Mr. Chandler's opinion, it would be necessary to offer "systematic instruction as to what those duties and responsibilities are." Up to that time, it was said, not a single State had provided for instruction in civics in all the schools. Not even a first step had been taken in Iowa in this direction: in fact our teachers were not required to take an examination in civics or civil government. A recent report showed that out of one hundred and forty-three Iowa high schools one hundred and one taught civil government somewhere in the course of study, but only thirteen gave any attention to the local or State government of Iowa. No law, of course, required such instruction, the course of study being under the control of the district authorities.

Some very concrete suggestions were made in this address. It would not be sufficient to teach the facts only concerning the administration of the government: if schools were to train citizens, they must be prepared to teach the principles of honor and patriotism upon which the success of a government so largely depends. And from the primary grades to the high school, inclusive, a portion of time must be given to such instruction. Moreover, it must be plainly shown that "a man who lies in politics is a *liar*, and the officer who takes what does not belong to him in the administration of his official duties is a *thief*". If there was to be training in a wholesome respect for law, it could not well be postponed to the high school age, since only a small per cent of the young people ever reached this grade. A few months in a high school, however, was not sufficient time to "put on" a working knowledge of a citizen's real duties and obligations. Lastly, attention was called to the fact that Iowa had already made the study of physiology compulsory. Why, therefore, it was asked, would it not be equally to the advantage of the rising generation and the public in general to make instruction in civics compulsory?<sup>30</sup>

After all these addresses, papers, and discussions it seems quite remarkable that the committee on the classification and unification of high schools, appointed in 1894 and making its report in 1895, required only four lines to express its convictions on the subject of civil government. The committee, composed of seven representative men and women from different departments of public school work, recommended the teaching of many of the problems of politics and government in connection with history. It was decided, however, that the study of civics or civil gov-

<sup>30</sup> *Proceedings of the State Teachers Association*, 1892, p. 61, 1894, pp. 146-148

ernment should have a definite place in the program and special attention should be given to the study of the Constitution of the United States and the Constitution of Iowa, their chief similarities and differences. As arranged in the schedule then submitted a single term in the eleventh school year in the Latin course, and possibly a half year in the tenth grade in other courses, would comprise the specific requirement in this subject.

"Patriotism in Our Public Schools" was the subject of the address by Professor C. P. Colegrove at this session of the State Association. In his opinion, if flag raisings and patriotic programs with quotations and recitations constituted the chief agency in preparing for citizenship and there was no further training in the fundamental social activities, then a better type of patriotism seemed a remote ideal. The remedy for apparent evils was not so much in reformative measures as it was in formative and educational training. In order to retain a republican form of political institutions it was essential that there be a healthy local self-government. A right conception of duty would lead men to take such an interest in community activities that they would seek to influence for good the result of every election. One who failed in this particular function was to be considered an enemy of good self-government and of whatever depended upon it. Indeed, Mr. Colegrove considered that the local election was of much greater importance than that of Governor or President. How to train the future voter to accept his responsibility in local government was the great problem. Citizens who served their communities were the true patriots.

Only from the public schools could such a product be expected, continued the speaker. "Patriotism, then, must be taught in our public schools . . . . It is gratifying to see that this truth is being more and more recognized, to

see thoughtful men turning to our schools as the place from which must come the leaven that is to work reformation in our national and political life." Although many teachers had already done something to arouse the people to "an active interest in patriotism" the work had generally been quite unsystematic. The chief difficulty seemed to be in determining what real patriotism meant and what constituted a preparation for teaching it. Few, indeed, were qualified, for few understood the problem. The patriotism of a self-governing people ought to be more than the mere instinct of self-defense, more than a sentiment, more than an emotion. The mission of this country was not to excel in war, but rather to lead in maintaining peace in the world.

Mr. Colegrove agreed with others already quoted that the first instruction ought to relate to the community where the individual's influence was most effective for good or evil. Besides, actual participation in a citizen's duties should commence early in life, in order that there might be an appreciation of what lay before the adult when he claimed all the privileges and prerogatives of an American. The schools should strive to develop a willingness to serve without a hope of reward in every instance, for the State could not always return an equivalent value. Community life and its interests should be made a common topic of conversation and a spirit of active participation and leadership should be the result sought. Again reference was made to the possible necessity of eliminating to some extent the routine subject matter of old-type programs.

In the discussion of the paper just summarized attention was called to the "pugilistic patriotism" most prominent in arousing the feelings of the average citizen. A contest of armed forces would naturally, perhaps, appeal more

strongly to what was commonly understood as patriotism than an effort to control clearly defined evils through the use of the ballot. An appeal to the baser passions, rather than to reason, sometimes produced the readier response. While schools could not be held responsible for everything that went wrong in the government, there was an opportunity for them to aid in molding public opinion by inspiring a patriotic and intelligent view of public service.<sup>21</sup>

After July 4, 1896, the teachers in Iowa were required to pass an examination in civics and economics. This measure was discussed before the State Teachers Association in the following December by Professor Hamline H. Freer of Cornell College. Both subjects, he said, were desirable in the courses of study offered by the public schools. He defined civics as "the science of the rights and duties of citizens", although a more complete definition might include all knowledge that would prepare the individual to obtain his civil rights and to perform his civic duties. Authorities were quoted to illustrate the prevailing opinion relative to such instruction, and objections to its introduction were answered. To the charge that university work would be pushed down into the public schools Professor Freer replied that elementary civics would include no more than well informed people should know and nothing that children could not readily comprehend. The instruction should be practical and quite elementary, and regardless of whether it was considered an advanced subject or not it must be taught in the public schools. Patriotism could be taught to children, and there were many reasons why they should study the organization of the government.

It might be said also, admitted the speaker, that teachers were not prepared to instruct in such subjects; but neither were they fully prepared to teach some other branches.

<sup>21</sup> *Proceedings of the State Teachers Association*, 1895, pp. 9, 10-12, 90-96.

The remedy was a better general preparation of teachers which would aid materially in furnishing persons qualified to teach the general duties of a citizen. If it should be objected that the course of study was already crowded, Mr. Freer answered that the only remedy was in curtailing some other subjects to make a place for citizenship training. But it was "not necessary to add a new study, for good instruction in civics was given in many of our schools in connection with history and civil government before there was a law requiring it" in teachers' examinations. It will be observed that a distinction is made in this discussion between civics and civil government. As to the fear that partisan feeling might be aroused in connection with topics dealing with political questions there should be tact enough on the part of the instructor to avoid any unfortunate development.

A part of Professor Freer's address dealt with the methods of teaching civics, since it was foreseen that many would inquire how to proceed. The suggestion offered on this point may be summarized in the expression that "little more could be done than to make suggestions, as age of pupils, their advancement, and previous knowledge, and the attainments of the teacher must determine the character of the instruction." Nevertheless, it was the opinion of the speaker that the environment ought to be made the starting point in every instance. And finally he declared that "above all, patriotism should be taught."<sup>32</sup>

A decade later President J. H. T. Main of Iowa College in his address as president of the State Teachers Association made an additional plea for instruction in the duties of citizenship. He declared that "the best way to increase the agricultural value of a state, or the commercial value,

<sup>32</sup> *Laws of Iowa*, 1896, p. 44; *Proceedings of the State Teachers Association*, 1896, pp. 71, 72, 75, 77.

or any value, is to increase the value of the youth who are to be its citizens, by giving them acquaintance with their own powers and with the life and the materials of the life they are to live . . . . It would cost much money to instruct the child in such a way that he would come into real touch with the life he is going to live; but, however much it might cost, it would not be expensive, because the returns would be more than commensurate with the expenditure . . . . If we give the children an interest in things, and give them adjustment to their environment, social and material, large results are sure to follow . . . . This is spiritual law . . . . This is economic law . . . . it is education—education in the only true sense.”<sup>23</sup>

In 1911 Superintendent Aaron Palmer of Marshalltown presented the outline of a course in civics for that city before the round table of history and civics of the State Teachers Association—a conference which had been first held in the session of 1908. In the presentation of this plan attention was directed to the former practice of including all such instruction in a brief period given to history and civics combined. American government had been “‘hunting its place in the curriculum of the high schools” and the time had come for it to receive a consideration equivalent to that given to American history. Such a view implied that the teaching of civics should commence with the first grade of the public schools and be continued throughout the course. It was important that those giving instruction in the grades should appreciate the advantage to pupils as they approached the higher classes, if they had acquired a knowledge of civics in the elementary schools.

At Marshalltown, in 1911, the pupils in each grade from the kindergarten up devoted some time to the study of

<sup>23</sup> *Proceedings of the State Teachers Association*, 1906, p. 25.



their duties as citizens. In this place reference need be made only to the general plan in force at that time. For the kindergarten and the first and second grades the instruction had to do largely with the family life; in the third grade patriotic days and the lives of historical characters furnished the basis for the lessons. A definite theme of "sympathy with fellowmen" was adopted for the fourth grade with illustrations from the lives of discoverers and explorers or the public service of life saving crews and light houses. In the fifth grade the pupils came directly to a study of the work of the men who helped to make this nation and the principles by which such men were actuated; and here the theme included "obedience to law; sympathy with fellow men; respect for institutions; respect for labor." A study of forms of government was introduced in the sixth grade, and the responsibility of citizens as to "honesty, truth and loyalty" seems to have been the theme. The seventh grade was concerned with certain influential factors in civilization — especially those characterized by the heroic, while the eighth grade pupils took up "the idea of popular representation".

In all these steps there was a leading up to the formation of the national constitution and the development of American institutions. The outline was continued through the high school in connection "with history, economics, ethics, business law, and other related subjects." The main purpose throughout was to devote some time to civics in each year of the child's school life. If such a plan could be made effective it was believed that the schools might "turn the pupils over into their office in the community life with equipment adequate for the performance of the duties of citizenship."<sup>34</sup>

<sup>34</sup> *Proceedings of the State Teachers Association*, 1908, p. 4, 1911, pp. 104, 105.

Under the stimulating direction of the teachers of history and civics considerable discussion has taken place in the meetings held in connection with the State Association. Such topics as the correlation of history and civics (1912); problems in the teaching of civics (1913); what is being done with civics (1914); and the place civics should hold in relation to other subjects (1915) had attracted the attention of the teachers. After this long period of agitation and discussion the problem of training the young citizen ought finally to be clearly comprehended by the public mind.

## V

## A PERIOD OF ADJUSTMENT

After the enactment of the new school law in 1858 — the fundamental act in the establishment of our present school organization — the leaders in the promotion of public education sought to arouse the citizens to a sense of greater responsibility. The school system and the public schools soon became “absorbing themes everywhere”, as if a new discovery had been made in the functions of the State. It was generally believed to be an opportune time not only to show one’s interest in his own rights, but likewise to concern himself with possible advantages to the general public. Nevertheless, according to one speaker, it was a “fact to be regretted, that the majority of our leading citizens are almost, if not quite indifferent to the prosperity of our common schools.”

From such indifference, produced probably by the previous decentralized organization of the independent districts, some time would be necessary to rouse the average voter. And it may be assumed that this attitude extended to the choice of the subjects of instruction. It was a period of bitter partisanship and when the mere suggestion that

political science or any kindred subject should be taught in the public schools would have aroused a feeling of animosity between the adherents of the different parties.

The press of that time would have been hostile to any instruction which tended to develop independence in voting; so that beyond a study of the Constitution of the United States in a few higher classes or some general instruction on democracy in the colleges, there is but little to suggest the larger view that is beginning to prevail in the teaching of citizenship and patriotism. The new school law of Iowa, however, did much to stir the public to a sense of duty. Even opposition to the execution of its provisions was held to be beneficial: it was at least regarded as better than the apathy which had formerly existed.

A school journal of 1859 suggested a practical test of patriotism to be propounded to politicians soliciting votes. Had he actively aided in securing good roads, bridges, village sidewalks, and crossings? Was he interested in providing shade trees and public parks? Would he advocate a lyceum, a library, or a reading room? Was he a friend of good schools and would he exert himself in behalf of good equipment? Had he a sympathetic interest in the problems of the teacher? Did he contribute to the comfort of the unfortunate or aid in the building of churches? Did he ever plant vegetables, flowers, roses, fruit trees, or corn? If an affirmative answer could be given to all these questions it would be safe to cast one's ballot for such a candidate without regard to his party affiliations.<sup>35</sup> This questionnaire suggests the kind of instruction which should be included in the public school curriculum.

<sup>35</sup> See *The Iowa Instructor*, Vol. I, pp. 23, 27, 28, 59; *The Iowa School Journal*, Vol. I, p. 26.

In 1859 at the school election in Davenport some half dozen boys canvassed for the tax which would insure the continuance of the public schools. Was that action a practical lesson in citizenship?

It will be observed that in the several discussions already reviewed there are few recommendations for legislation in regard to the course of study in the public school. Perhaps it was thought sufficient to proceed on the theory that the desired instruction would be introduced whenever people had been educated to believe in it. This view was consistent with the democratic belief that such questions should be decided by local authority. If these leaders were convinced that a better citizenry might be secured by some form of direct teaching, how does it happen that there was not an earlier response? An answer may, perhaps, be found in the principle by which questions of religion were excluded from the public schools. The fear of sectarianism was so great that it led to the almost total exclusion of any mention of morals, although among the first qualifications which the law specified for teachers was a good moral character. If the same fear governed those who differed in politics, the indifference in regard to instruction in subjects relating to government may be accounted for.

It is probable that under the general title of instruction in morals there was the thought of an important element in the qualifications of a citizen. In these lessons, however, there was lacking the instruction in the active services demanded from every individual who exercised the right of suffrage. A man might be strictly moral and yet refrain from participation in those activities which directly affected the welfare of his community. Perhaps that was the secret of the apathy which characterized many individuals relative to educational interests previous to 1858. It is noticeable that about 1871 the controversy over the content of instruction in morals led the Superintendent of Public Instruction, Mr. A. S. Kissell, to write fully on this subject. And in that connection there was much discussion as to what constituted good citizenship. Nevertheless, the

real basis of training in the duties and obligations of a citizen, in so far as his active participation in public affairs was concerned, does not appear to have been considered. The entire question was treated subjectively; the relation of the individual to problems confronting him was static rather than dynamic.<sup>36</sup>

The department of public instruction seems to have given little attention to the subject of direct instruction in civics until about 1890. Under the old plan of a four years course for normal institutes those in the fourth year only had studied civil government. There were no general lectures or other sources to suggest the teacher's function in relating the pupil to the community. The few who continued to attend institutes for four years finally came to a course of four weeks in the study of the Federal government. There was nothing about Iowa. About the same time (1885) the Teachers' Reading Circle, a State organization, under the head of "Science" proposed to include social and political science. But the outline for the first year of reading did not contain any references to these subjects.

In 1889 Superintendent Henry Sabin in his instructions to county superintendents and institute conductors said that the plan of general exercises which called attention to "local geography, township and county government", as well as "lessons on common things" was to be commended. In addition, he sent to each county superintendent a single "pamphlet copy of the State constitution . . . for use in the institute, and afterward to be retained in the county superintendent's office." The Secretary of State had provided these copies and no more could be furnished.

The report of the State Superintendent for that year

<sup>36</sup> See *Report of the Superintendent of Public Instruction*, pp. 35-37, in the *Iowa Legislative Documents*, 1872, Vol. I.

contained a chapter on "The Cultivation of the Moral Sense" wherein it was said that "Honesty, reverence, temperance, purity, patriotism, justice, mercy, obedience, whatever tends to add to the usefulness of the citizen or the stability of the government, comes within the legitimate exercise" of the duty to teach public morals. "It is especially necessary that patriotism, love of our native land, should be inculcated", he continued. "The flag should be displayed in every school-room and children should be taught what it signifies." The school should have a part in every public patriotic program in order that the pupils might appreciate, in so far as possible, the sacrifices which have been made for their country. Such a knowledge of the growth and resources of the land and of its possibilities should be gained that any child would be proud to say that he was an "American citizen"; while obedience to law and respect for those in authority should constitute a part of every day's lesson. The schools should teach that a good and loyal citizen can not disregard any law.

Again, in 1891, Superintendent Sabin referred to the fact that he had not failed, whenever there had been an opportunity to address teachers, "to urge upon them the necessity of inculcating in the minds of their pupils love of country, reverence for the flag, and obedience to law." It was well-known that the public schools offered the only opportunity "to implant right ideas concerning the duties of citizenship, and the responsibilities inseparable from it." Furthermore, he had impressed upon all teachers the fact that "the schools must be American, in tone and in their instruction, that the English language is the only language in which the common schools are authorized by law to be taught". It is apparent that this instruction in the duties of citizens should, in the opinion of Mr. Sabin, begin early, since he urged that "the necessities of those

children who are compelled to leave school at an early age" should have consideration.<sup>87</sup>

During the year 1895 special patriotic leaflets giving programs for the observance of February 22nd and May 30th were issued. In commenting on their purpose Mr. Sabin said that they were "calculated to arouse and quicken love of country" among pupils. Although patriotism should be taught at all times and in different ways, he believed that it was well to emphasize the life and the deeds of patriots and to make history real. A pride in American institutions should be fostered and in all teaching of patriotism there must be the thought that "the republic is perpetual." The purchase of flags, under a ruling of the Department of Public Instruction permitting the use of the contingent fund for that purpose, was commended but voluntary action was to be preferred to a requirement of law. The respect and honor in which the emblem was held should be the manifestation of a patriotic instinct. The purchase of flags for the schools should become universal: the patriotic sentiment ought to be encouraged until every school owned one and until all children had been "taught to salute and respect it as the symbol of all that makes their country great."

It is clear, however, that the State Superintendent did not regard the observance of patriotic days as sufficient to insure a real appreciation of the meaning of citizenship on the part of the pupil. For in his next report, in 1897, he observed that "very much that passes for patriotic teaching has but little effect in making a good citizen of the child. It produces no lasting impression because it appeals only to transient impulses which are forgotten in a

<sup>87</sup> *Report of the Superintendent of Public Instruction*, pp. 96, 104, 105, in the *Iowa Legislative Documents*, 1886, Vol. V; the same, pp. 67, 119, in the *Iowa Legislative Documents*, 1890, Vol. II; the same, p. 155, in the *Iowa Legislative Documents*, 1892, Vol. II.

day. To implant the germs of good citizenship it is necessary to inform the child of the principles upon which republican institutions rest." The schools, he continued, must not forget to train the child so that he would be qualified to "discharge rightly, magnanimously and conscientiously all the duties of American citizenship." It was for this purpose that the public school was founded and for which it had been maintained. In order to become an intelligent citizen "the child must know why he is proud of his country."

Elsewhere in the same report the subject of civics was mentioned as deserving a permanent place in the public schools. Its study should give to the pupils some knowledge of the duties of officers, the management of elections, the value of the ballot, and why it came to be of such great power. The embryo voter should be instructed as to the obligations relative to the ballot and should be taught the importance of voting at every election "in strict compliance with the dictates of reason and patriotism". There was no other way "to purify politics at the fountain head." Every school regardless of size must assume its share of responsibility for the training of pupils in whatever tends to arouse patriotism and to make good citizens.<sup>88</sup>

## VI

### THE TEACHING OF GOVERNMENT IN THE ACADEMIES AND PUBLIC SCHOOLS

Reference has already been made to the study of the Constitution of the United States, international law, and the science of government in the curricula prepared for the academies before 1860 and to the texts available for teach-

<sup>88</sup> *Report of the Superintendent of Public Instruction*, pp. 76, 77, in the *Iowa Legislative Documents*, 1896, Vol. II; the same, pp. 111, 112, 135, 167, in the *Iowa Legislative Documents*, 1898, Vol. II.



ing these subjects. Attention has also been called to the earliest of the high schools in which there was a curriculum similar to that of an academy. It remains to indicate briefly the steps by which these subjects came to be recognized as vitally connected with the work of educating the youth of the State.

In 1872 the Troy Normal School offered civil government and the school law of Iowa in the second year of its professional course. The nature of the course in civil government is suggested by the text used—Townsend's *Analysis of Civil Government*. The Iowa school law, no doubt, was a valuable addition to any course for teachers; and it is an interesting fact that this private institution was so farsighted. It seems appropriate to mention here the difficulty experienced by teachers who sought preparation for an examination in the school law when, some twenty years later, it became a required subject for a State certificate. Although the statute required the examination there was no possible way by which a teacher could purchase a copy of the school laws.

On that occasion State Superintendent John B. Knoepfler said that it was "glaringly inconsistent for the state to establish a grade of qualifications for its teachers and then block the way for attaining those qualifications." It may be assumed that during those twenty years little attention outside of teachers' classes had been devoted to a consideration of the general information relative to the State which an instructor should possess.

It was somewhat unusual to find a course of study like that provided for Keokuk County in 1876. Under the direction of an active county superintendent the pupils of the rural district schools were arranged in five classes. For the third year class there were lessons on the history of Keokuk County and of the State, presented orally; in the

fourth year the biographies of prominent persons in the country's history were studied; while the fifth class took up the principles of civil government along with United States history.<sup>39</sup>

As to the work offered in the public high schools, it may be said in general that it has been the custom to give somewhere during the course of three or four years a term or a half year to civil government. Only recently has the word "Civics" been employed; and the place of this subject in the high school has varied according to the whim of the one who arranged the course of study. For example, in Monticello, in 1874, civil government was one of four subjects found in the third term of the second year. In 1877 the high school of Iowa City had the same subject as one of three in the second term of the first year. In the two-year business course at Dubuque in 1878 the Constitution of the United States and political economy constituted a single subject during the second half of the first year. Although it appeared to be an elective in this instance, it must have been a required subject in the Latin-scientific course at the same time. The Burlington high school in 1879 offered five courses, but there is no suggestion that civics or any study of government was required in any of them. In 1883 the Cedar Rapids high school had science of government in its C class for a half year and political economy for the same time in the A class.<sup>40</sup>

In 1886 the Oskaloosa high school offered a combination of history of the United States and civil government for a half of the ninth year or D class; political economy had the same allotment of time in the A class. In 1888 civil

<sup>39</sup> Aurner's *History of Education in Iowa*, Vol. III, p. 107; *Course of Study*, Keokuk County, 1876 (unpaged); *Report of the Superintendent of Public Instruction*, pp. 136, 137, in the *Iowa Legislative Documents*, 1894, Vol. II.

<sup>40</sup> Aurner's *History of Education in Iowa*, Vol. III, pp. 317, 321, 325, 326, 327, 329.

government was given for three days in the week, alternating with reading, for an entire year. Townsend's shorter course was the text in civil government, while the reading matter was not specified in the manual. By 1891 the class in government was allowed five months in the first year. In 1889 *The Youth's Companion* offered to present a fine flag to the school in this State which produced the best essay on the "Patriotic influence of the flag when raised over the public school". The contest was won by the Oskaloosa high school; whereupon a letter from the publishers of the *Companion* expressed the hope that the good influence of the school might bear fruit in the next generation; and that it might become the "nursery of patriots and statesmen".<sup>41</sup>

The schools of Independence in 1891 offered four separate courses, in all of which civil government was required for nineteen weeks in the third year. From 1890 to 1896 the subject was variously provided for in the Sioux City high school. For example, in 1890 a term's work in civics was offered in the fourth year of two courses, but classical students did not study it; in 1891 it appeared for a term in the second year of all courses; in 1894 the subject was defined as "Civics" and was allowed ten weeks in the second year of all courses; but in 1896 the subject was entirely omitted in the high school.

New Hampton, in 1897, offered civil government for one semester in the first year of the high school, constitutional history of the United States for half of the third year, and political economy for one semester in the fourth year. The town of Laurens in 1898, although it had only a three-year course, gave an entire year to the subject of government. This practice was followed also at Northwood in 1899,

<sup>41</sup> *Manual of the Public Schools, Oskaloosa, 1888*, p. 52; *Aurner's History of Education in Iowa*, Vol. III, pp. 330, 332; *Annual Report of the Public Schools, Oskaloosa, 1889-1890*, p. 29.

where a study of Iowa and the nation was continued throughout the ninth year. Indianola, perhaps, furnished a further illustration of this attitude since two terms in the first year and one term in the third year of the high school may be considered equivalent to a year of continuous work. To be sure, those who elected Latin did not have more than one term of government.<sup>42</sup>

During this period several conclusions relative to the function of the high school were submitted by individuals or committees. The top-heavy courses, condemned as early as 1877, did not, it was declared, include the subjects which would be most profitable to well-informed citizens. Again, in 1886, a well-known high school principal advised that instruction in such subjects as were most essential to the development of effective citizens should be made the chief concern of that department; while the elementary school should prepare the pupil for earning a living. Character forming was the ideal task proposed for the high school teacher in 1887. Along with these opinions of educators there appeared those of business men who seemed to have no direct interest in training for citizenship unless, indeed, this was comprehended in what they considered a more practical education.

It was in a summary of these views made in 1887 that civil government, political economy, commercial law, and business courses were recommended as profitable subjects, especially for boys who remained in schools where such courses were available. Nevertheless, a committee on the high school curriculum reported in 1895 that the study of government should not always be a subordinate subject: it should have a definite share of time in all schedules.

<sup>42</sup> Aurner's *History of Education in Iowa*, Vol. III, pp. 335, 338, 339, 342; *Course of Study*, New Hampton, 1896-1897, p. 20; *Course of Study*, Laurens, 1898, p. 18; *Manual and Course of Study*, Northwood, 1899, p. 20; *Course of Study*, Indianola, 1899, pp. 30, 31.

Again, in 1899, another committee decided that the high school was an institution which ought to prepare the individual for the various duties that might confront him subsequent to his graduation. The subjects to be included in the course of study, therefore, ought to be those which were of the greatest interest to pupils and patrons and should be determined to a great extent by the environment. There was, however, no detailed enumeration of such subjects. Then in 1901 a large number of high school teachers were requested to submit their views on what should constitute the course of study. Although the replies indicated a great variety of opinions, most of them agreed that half a year should be given to the study of some phase of government.<sup>43</sup>

Although these general recommendations attracted some attention, it can not be said that subsequent changes were due to them. A few examples will illustrate later tendencies. In 1897 the course at Creston provided for civil government throughout the third year — although no committee had suggested a full year. By 1900 Sioux City had located civics in the eighth grade where twelve weeks were given to the study of the government and Constitution of Iowa; only for a half year in commercial courses was it included in the high school. United States history and civics constituting a year's work were required subjects in East Des Moines in 1901. In Marshalltown at the same time American history and civics were taught for four periods a week during the twelfth year. There seems to have been at that time a cautious presentation of the subject in the eighth grade at Washington, inasmuch as simple lessons in civil government were given in connection with the review of United States history. Thereafter half of

<sup>43</sup> Aurner's *History of Education in Iowa*, Vol. III, pp. 232, 234, 238, 241, 249, 256, 266.

the twelfth year was allowed for history and civics in the high school.

These towns were not so ambitious as Orange City which at the same time listed civil government as a subject for a half year in the ninth grade. A text book as well as the constitutions of the United States and the State furnished the sources of instruction. In conjunction with this plan, reference was also made to economics and economic theory with special attention to original investigations. The place assigned the study of government at that time in the high schools is readily shown by the following examples: Vinton required a half-year of government in the ninth grade; Tipton the same in the tenth; Nashua the same in the eleventh; and Spencer the same in the twelfth.<sup>44</sup>

Here and there in public school announcements or reports since 1900 a little more freedom in dealing with this subject may be observed. A few illustrations will suffice to show the tendency in this direction. In a general suggestion regarding the correlation of geography and history a Lake City teacher made the statement that the schools should "teach patriotism at all times." The next year (1904) the course of study for the Rock Rapids schools contained the suggestion that in every lesson in eighth grade history some point of interest with reference to citizenship should be emphasized. Under the subject of morals and manners, civic duties, it was thought, could be taught in all grades. Such instruction was designed to inculcate love of country and of the flag, respect for rulers, obedience to law, and faithfulness in office, and to make clear the meaning of an oath and of perjury, the right and wrong

<sup>44</sup> Aurner's *History of Education in Iowa*, Vol. III, pp. 345, 355, 361, 362; *Report of the Public Schools*, Sioux City, 1900, pp. 66, 74; *Course of Study*, Washington, 1901, pp. 10, 14; *Report of the Public Schools*, Orange City, 1901, pp. 13, 15; *Manual of the Public Schools*, Vinton, 1901-1902, pp. 24, 25; *Course of Study*, Tipton, 1902, p. 40; *Course of Study*, Nashua, 1902, p. 29.

use of the ballot, the dignity and honor of citizenship, and the principles of justice.

In 1904 East Waterloo required civics in all courses for one-half of the second year in the high school. At the same time, it appears, the government of Iowa was an elective in the fourth year of the commercial course. While the text-book was used as a guide, current events, it was said, were utilized for illustrative purposes. Classes were encouraged to acquaint themselves with the activities of civil officers, and some attention was given to learning how municipal, township, county, and State business was conducted. *The Code of Iowa*, it was said, became a "constant source" of information. The economic aspect of political problems and constitutional development were also emphasized.<sup>45</sup>

Sometimes the course was designated as history and civics, sometimes as civics and history. Presumably this arrangement meant either the division of time in the week or in the term, and it probably resulted in a neglect of government. Reference may be made, however, to the purpose as set forth in the Storm Lake course of study in 1905. The aim was to "inspire in the pupil a sympathy for the past, to aid his discriminating powers, strengthen his judgment, to acquaint him with economic conditions, and prepare him for the duties of citizenship." The course in civics in this school included a careful study of the government of Iowa and of the United States, and any text might serve as a basis.

One of the eight groups of subjects comprised in the Burlington high school courses in 1906 included history, civics, and economics. Civics was an elective in the third year of the high school. It was desired to give to the stu-

<sup>45</sup> *Course of Study*, Lake City, 1902-1903, pp. 21, 40; *Course of Study*, Rock Rapids, 1904, pp. 38, 42; *Manual of Public Schools*, East Waterloo, 1904, pp. 54, 64.

dents who elected this subject, a "clear idea of the principles underlying the local, state, and national government", while the growth of the national constitution received considerable attention. The aim of this instruction was to teach enough of the "machinery of all these forms of government" to equip the pupil for "the exercise of the duties and privileges of citizenship."

In a discussion of the methods of teaching civics, the superintendent of the Iowa City schools in 1906-1907 declared that the end to be attained was the fitting of the pupil for citizenship and the duties of social life. Its presentation in the high school, he believed, should be preceded by the study of American history. And during the instruction a first-hand acquaintance with the caucus, the convention, the jury trial, and with the duties of the officers of town and county government should be acquired. Civics must be closely related to history, although the relative importance of the local government in the life of the citizen as compared to the general government should be made prominent. If such explicit views on the subject were adopted, it might be expected that all grades of the Iowa City schools would be required to give some time to its study. Indeed, it would not be too much to anticipate a complete outline for the teaching of civics throughout the school life; and yet this subject appears to have been an elective.<sup>46</sup>

Many of the leading schools have required civics or civil government in a majority of the courses offered. The classical or college preparatory course, however, has often been excepted. Civics was an elective at Dubuque in 1911; and at Mason City, in 1912, half of the fourth year in the high school in four courses must be given to the subject

<sup>46</sup> *Course of Study*, Storm Lake, 1905, pp. 18, 20; *Public Schools of Burlington*, 1906, pp. 51, 53, 64; *Catalogue of High School*, Iowa City, 1906-1907, pp. 24, 25.



for the very definite purpose, it was said, of training for citizenship. In 1913 at Keokuk the standard normal course for teachers seems to have been the only one where civics was required or offered. At Osage in 1914 all courses, except the college preparatory course, required civics for half of the third year. At the same time in Marengo, Marshalltown, and Ottumwa, the subject was required for half a year. At Ottumwa, there was likewise a suggestion that patriotism should be taught in the lower grades in connection with general lessons. About the same time Council Bluffs required a year's work in American history and civics from all except those in the classical course. Here, also, the work was postponed until the last year.<sup>47</sup>

Occasionally some details of the work accompany the outlined courses of study. For example, the announcement from Ames in 1913-1914 mentioned the use of a text which distinguished between civics and civil government. By the arrangement then in operation the discussion of the machinery and powers of government was assigned a place in the fourth year of the course. In the second year, however, it appears that an opportunity to gain some ideas of community life, of the real meaning of citizenship, of the relation of the citizen to society, of his duties toward society, and of the service the community performs for the citizen was given to the pupils. It was intended that interest should center in local history which, it was believed, would materially assist in the study of local government.

Another view of this field is revealed in the outline adopted by Centerville in 1915, where a year in the eighth grade was devoted to history and civics before the work

<sup>47</sup> *Course of Study*, Dubuque, 1911, (unpaged); *Course of Study*, Mason City, 1912, (unpaged); *Course of Study*, Keokuk, 1913, (folder); *Course of Study*, Osage, 1914, (folder); *Course of Study*, Marengo, 1914, (copy); *Course of Study*, Marshalltown, 1914, outline, p. 12; *Course of Study*, Ottumwa, 1914, pp. 35, 39; *Course of Study*, Council Bluffs, 1913, (folder).

was taken up in the second year of the high school. In the higher classes local, county, State, and national governments were considered. The duties as citizens were emphasized in discussions, recitations, explanations, assigned readings, reports on local government activities, and in visits to the court-house, the jail, and the city hall. The powers and services of the government were observed in the post-office, in the levy and collection of taxes, in elections, and in the enactment and enforcement of laws. The purpose of this course was to teach the pupil the duties of a citizen and how to perform them rather than the number of offices in some department of government and the salaries enjoyed by the officials. An effort was made, also, to keep in touch with the proceedings of Congress and the legislature when those bodies were in session.<sup>48</sup>

If all the schools could be examined some additional information which would throw light on the practices in presenting this subject might be obtained. It is not expedient, however, to include a great many in a brief consideration but it is assumed that the examples given are sufficiently illuminating.

## VII

### THE TEACHING OF GOVERNMENT IN THE COLLEGES

In 1891 Professor Hamline H. Freer, the president of the State Teachers Association, said that an examination of the catalogs of leading universities from 1860 to 1890 revealed a surprising though gradual increase in the number of courses in American history, international law, political economy, and other subjects within the domain of the political and social sciences. But the example set by these institutions was not followed by the smaller colleges.

<sup>48</sup> *Course of Study*, Ames, 1913-1914, pp. 18, 19; *Course of Study*, Centerville, 1914-1915, pp. 46, 74.

Circumstances if not prejudice, it was asserted, had forced a rather close adherence to the orthodox curriculum.<sup>49</sup>

The changes in this field of citizen instruction and training may be determined from the actual record in catalogs and other forms of announcements issued by the colleges. While the truth may not always be told in catalogs or bulletins it is assumed that institutions are fairly well represented by these several sources of information. At all events the fact that James Harlan was professor of political economy and international law at Iowa Wesleyan University in 1859 is not a subject for dispute; and in this connection the term political economy will be understood as including a general view of political activities.

It may be well to point out the titles of courses for the decade from 1860 to 1870 in some of these Iowa institutions. For example, at the State University of Iowa in 1860 the Constitution of the United States and the Constitution and school laws of Iowa were required in the third year of the normal department. At the same time there was a department of history and political economy where it was said care would be taken to apply the lessons of history to the principles of political economy and the science of government as developed in American institutions; and besides, political philosophy and American constitutions were prescribed for the senior class. This arrangement persisted, it seems, with little change during the decade, for in 1870 the science of government was assigned to the junior year and political economy and constitutional law were subjects assigned to the senior year.<sup>50</sup>

<sup>49</sup> *Proceedings of the State Teachers Association*, 1891, p. 17.

<sup>50</sup> *The Iowa School Journal*, 1859, Vol. I, p. 28; *Catalogue State University of Iowa*, 1860-1861, pp. 16, 18, 1869-1870, pp. 27, 28.

The examining committee for the normal department in 1860 reported that the Constitution of the United States was very well recited, but there appeared to be a want of familiarity with the school law of the State.—*The Iowa Instructor*, Vol. II, p. 380.

The English and normal departments at Iowa College in 1867-1868 required a course in the school laws of Iowa. In the senior collegiate year one term was given to political economy and one term also to the science of government under the heading of political science. In the department exclusively for women there was no subject relating to government. In 1871 the courses in government appear to have consisted largely of political economy and the study of the Constitution of the United States. In 1866 Cornell College, under the head of philosophy, offered a course in political economy and the history of civilization during the junior year. By 1868 the science course had been extended a year and international law was one of the subjects added. About the same time (in 1869) Iowa Wesleyan University devoted one term in the junior year to the Constitution of the United States, but by 1871 that had given way to jurisprudence. Perhaps this change was due to the establishment of a law department.<sup>51</sup>

The advances during the twenty years from about 1870 to 1890 may be best shown by the actual claims in the college publications. By 1876 Iowa College had extended the course for women to four years and they were allowed the same privileges as men in the study of government. In 1883, it appears, Professor Jesse Macy was acting professor of history and political science, and the Constitution of the United States and that of England were mentioned as special subjects of study for the seniors. Then in 1888 or before it appears the chair of constitutional history and political economy was established.

Although it was not until about 1886 that history and politics formed a separate department at Cornell College, in 1872 Lieber's *Civil Liberty and Self-Government* was

<sup>51</sup> *Catalogue of Iowa College, 1867-1868*, pp. 16, 19, 1871-1872, pp. 20, 21; *Catalogue of Cornell College, 1866-1867*, p. 23, 1868-1869, p. 23; *Catalogue of Iowa Wesleyan University, 1869-1870*, p. 21, 1871-1872, p. 20.

the text in politics for a term in the senior year. This work, it may be said, was adopted as a text at Yale in 1874. It was a popular work among Iowa institutions, and according to printed documents was used for about twenty-two years at Simpson College. Upper Iowa University in 1880 also based part of the instruction in politics on the same authority. At the same time the college was advertising courses in the social sciences, political economy, political science, international law, and—in the normal department—the history of the Constitution of the United States.<sup>52</sup>

At Tabor College in 1870 the Constitution of the United States was given some consideration in the classical and scientific courses, while in the classes for women political economy was the inclusive term for any work on government. Within five years thereafter civil government, the Constitution of the United States, and international law were general subjects for men, while the latter study together with political economy was assigned also to the fourth year class for women. By 1880 there was a course in the history of American politics, but this subject did not appear after 1883 and by 1890 civil government had been transferred to the English or normal department, while political science was included in political economy. International law, however, was retained as in 1874.<sup>53</sup>

As already pointed out, the science of government along with political economy and constitutional law formed a part of the course in the junior and senior years at the

<sup>52</sup> *Catalogue of Iowa College*, 1883-1884, p. 27, 1888-1889, p. 3; *The Fiftieth Anniversary of the Founding of Cornell College*, 1903, p. 118; *Catalogue of Cornell College*, 1872-1873, pp. 21, 23; *Appleton's Cyclopaedia of American Biography*, Vol. III, p. 710; *Catalogue of Simpson College*, 1879-1880, pp. 21, 24, 27; *Catalogue of Upper Iowa University*, 1879-1880, pp. 18, 19, 21.

<sup>53</sup> *Catalogue of Tabor College*, 1869-1870, pp. 14, 16, 18, 1874-1875, pp. 20, 23, 1880-1881, p. 19, 1882-1883, pp. 20, 21, 1889-1890, pp. 23, 25.

State University in 1870. In 1871, however, constitutional law was dropped, and the science of government also was omitted from the college course in 1872. It was retained, however, together with school laws in the normal department. All subjects relating to government or politics were first collected under the head of political and moral science in 1873-1874. Again, under the title of political economy the history of political science was given for twelve weeks in 1878-1879. There was likewise a brief course in the history of political parties in the United States, and a series of lectures on international law with the addition of a text-book for reference and review. In 1885 political science included courses dealing with systems of political economy, the elements of political economy, the Constitution of the United States, political parties and administrations, land tenure, United States revenue and expenditure, taxation, debts, coinage and mints, social problems, and international law.<sup>54</sup>

At the Iowa State College of Agriculture in 1871 constitutional law and political economy, given in the senior year, constituted the only courses relating to government. Subsequently commercial law and sociology were added to this group. By 1885 the work had been elaborated to include a study of the history of civilization with certain definite objects in view: there was to be a study of the forces that promote civilization in order to gain a clear and concise history of the origin and growth of government, religion, science, language, education, industry, and mechanic arts. Besides, there was a class committee appointed to pursue special lines of investigation and to submit reports as the occasion seemed to require. In this special work the student was expected to select a topic closely associated

<sup>54</sup> *Catalogue of the State University of Iowa, 1869-1870*, pp. 27, 28, 1870-1871, p. 33, 1871-1872, pp. 35, 36, 44, 1873-1874, p. 44, 1878-1879, p. 21, 1885-1886, p. 16.

with his future vocation. The aim in all this preparation was the laying of a foundation for further acquirements along some branch of learning which every student was expected to plan for himself. The purpose of the social sciences was to familiarize the student with questions of public policy concerning which there was a wide diversity of opinion. Along with this it was felt there should be an understanding of common business practices.<sup>55</sup>

There have been some significant changes in the subject matter as well as in the division of labor in the teaching of government or politics in the colleges since 1890. A brief outline of these advances may be of value in forming an estimate of the gain to citizenship. The State institutions seem to have led in this respect, although some colleges have expanded the instruction to include features probably not even thought of during the previous decade. It was in 1888 that Professor J. L. Pickard became a lecturer in political science at the State University. He was soon succeeded by Professor I. A. Loos, and the subject as then announced included economics, finance, diplomacy, international law, history of politics, practical politics, comparative study of administrations, and local government — especially municipal government. The work of the first year was intended as introductory to political — or as it was otherwise defined — national economy, which included elementary lessons on government and administration.

About 1890 the first seminar in political science was organized at the University. In 1894–1895 there was a division of instruction into: (1) economics and finance, (2) politics and administration. At least five professors gave instruction in these two divisions. In 1896 the government

<sup>55</sup> *The Annual of the Iowa Agricultural College*, 1871, p. 34, 1883, pp. 21, 22, 1885, pp. 19, 28, 29.

of Iowa, its history, and characteristic features, was first presented, and attention was given to the political institutions of the State. By 1897 there was a further classification of the subject: into one division called political science were grouped political economy, finance, sociology, and political philosophy; while a second division contained the courses on government and administration. It is to be noted that politics or government did not then touch the freshmen.

When the school of political and social science was organized about 1900 there were no courses open to freshmen. There were courses in sociology, economics, politics, and history wherein the aim was to give a general view of the political and social sciences and to encourage their development. The immediate, practical purpose, however, was the preparation of the student for the intelligent exercise of the rights and duties of citizenship in a free commonwealth, and to fit him for the various branches of public service. Such courses were intended to supplement the course in law, to give an adequate training in historical, economic, and legal subjects for those students who might take up journalism, and to prepare teachers of these subjects. By 1905 a course in actual American government which was designed to take up the subject where the high schools left off was offered to freshmen. The school of political and social science took on the additional title of commerce in 1907 and it continued under that title until 1914 when the school of commerce was authorized. The general purpose of the commerce course is the fitting of students for a business career or for social service.<sup>56</sup>

President William M. Beardshear of the State College of

<sup>56</sup> *Catalogue of the State University of Iowa*, 1887-1888, p. 4, 1889-1890, pp. 6, 28, 29, 1890-1891, p. 34, 1894-1895, pp. 36, 37, 1896-1897, pp. 50, 51, 1897-1898, pp. 52-53, 1900-1901, p. 178, 1905-1906, p. 150, 1907-1908, p. 255, 1914-1915, p. 131.



Agriculture said in 1893 that instruction in ethics aimed to give students a "most practicable acquaintance with the duties of a faithful life and good citizenship." The teaching of government in his institution at that period was associated closely with history, since the two have been inextricably associated in the development of the United States. There were lectures also on the relation of government to human progress and the characteristic features of different nations. Again, in 1900, under the general subject of history, there was a study of the "origin and growth of social, economic and political institutions" of America, and some attention was given to the present-day movements in the United States as factors in world politics. Indeed, the courses in history were said to be planned to provide practical training, since the purpose was to fit the student for "intelligently assuming the duties of citizenship."

Not until 1904 was the department of civics established and organized at the State College. Civics was first defined as the science that treated of citizenship and the relations between citizens and the government, duty toward society, the civil policy, the law in its application, the history of civic development, the structure and working of government, and the inter-relation of states. From the beginning it was designed not only to study the existing institutions of American government but also to look forward and consider problems which might arise. Education which did not relate itself to the duties, obligations, and opportunities of citizenship was at least incomplete, if not wholly a failure. It seemed appropriate, therefore, to those who planned the course of study for the State Agricultural College not only to call attention to the "reasonable and patriotic duty" of citizens in regard to present laws, but also to point out to the students new ways of be-

coming useful members of the civic community and of keeping informed on public affairs.

The five courses offered in political and social science in 1904 were substantially as follows: the first related to local government, the study of constitutions, the departments of government, and questions involved in current topics; the principles of American government constituted the second course; the State and federal constitutions were the basis of another; the family and its government—a course more especially concerned with moral training—the duties of citizens and improvement of government comprised a fourth course; while the fifth course, a study of rural laws, included such subjects as the rights and duties of citizens with regard to highways, fences, weeds, water rights, ditching, drainage, live stock, and other phases of law which affected the farmer. Actual government and comparative governments added in 1905 made the sixth and seventh courses. In 1910 such subjects as school supervision, practical problems in school organization, and administration for school superintendents and principals were offered in connection with this department. Educational legislation, also, had some attention. At the death of Professor Richard C. Barrett who had organized this work in political science the departments of economics and history took it over, so that there was a reduction in the number of courses offered in civics. The fundamentals, however, were retained, and other courses covering some of the former subjects have since been introduced.<sup>57</sup>

The Constitution of the United States and the Constitution of Iowa were the foundation of the work in civil government at the State Normal School in 1890. The school laws of the State were also required in connection with

<sup>57</sup> *Catalogue of the State College of Agriculture and Mechanic Arts, 1893-1894*, pp. 60, 62, 63, 1900-1901, pp. 272, 274, 1904-1905, pp. 301, 303, 1905-1906, pp. 345, 346, 1909-1910, p. 322, 1910-1911, pp. 298, 313, 314.

the professional classes. Not until about 1893, when it was the custom to organize a class each term for entering students, does one find a description of the courses. The method employed was defined as historical rather than descriptive. By 1894 there was a department of political science which included all the instruction in civics and political economy. About a year later the courses were outlined as follows: elementary civics, which required one term in the first year; historical civics, or the development of State and national constitutions, along with a comparative view of various State papers which formed the basis of work for second year students; while the origin, development, nature, and objects of government with a comparative study of the governments of several European nations were the topics presented to advanced students. When the law requiring civics and economics in all examinations for teachers' certificates went into effect plans were made to organize special classes each term.

About 1900 the faculty of this department was enlarged and the work as planned in elementary civics included the constitutions of the general government and Iowa and the political history of the State. There was a course in advanced civics, and in the English constitution; one called comparative civics wherein different constitutions were considered; and another in constitutional and international law which was elective, it appears, for advanced students. In 1902 there seems to have been a division of subject matter between the departments of government and of economics. The former controlled the courses in elementary civics, American government, and English government. At the same time the preparation of teachers of civics for graded and high schools was kept constantly in view. To further equip such teachers for high schools a fourth course, defined as modern constitutional government, was provided the following year.

There was a further division of the instruction in 1908 into normal and college courses so that elementary civics only was left in the normal work. American constitutional history was added to the subjects already enumerated. In 1909 comparative politics, international law, and the principles of constitutional law were further developed in the college courses. In 1910 the teachers' certificate courses were first outlined. The history and civil government of Iowa with special attention to the political and educational institutions, and elementary civil government of the United States throughout the year were mentioned as desirable in such courses. The study of modern European governments was likewise added to the courses for the collegiate department.<sup>58</sup>

Under the plan of organization adopted in 1914 there were ten degree courses in government, three of which were open to first year students. The same conditions governed students in the diploma courses, while those in the normal division were limited to elementary government of Iowa and the nation and a combined course in these two fields. In 1917 the sub-collegiate courses in government for those preparing to teach in the rural and consolidated schools required elementary or community civics. In addition to the ten courses mentioned above instruction was sometimes given in special subjects to meet specific needs. Local government and related problems are not now as formerly open to freshmen.

In connection with the extension work in 1916 for the improvement of teachers in service the topics directly con-

<sup>58</sup> *Catalogue of the State Normal School*, 1881-1882, p. 42, 1890-1891, pp. 8, 9, 1893-1894, pp. 42, 43, 1894-1895, pp. 50, 51, 1895-1896, pp. 53, 54, 1896-1897, p. 59; *Bulletin of the State Normal School*, Vol. II, No. 1, 1901-1902, pp. 83, 84, Vol. III, No. 1, 1902-1903, pp. 91, 92, Vol. IV, No. 1, pp. 101, 102, Vol. IX, No. 1, 1908-1909, pp. 138, 139; *Bulletin of the Iowa State Teachers College*, Vol. X, No. 1, 1909-1910, pp. 128, 129, Vol. XI, No. 1, 1910-1911, pp. 130, 132.

cerned with government were as follows: community civics, some phases of local government, the civics of Iowa, the history of Iowa and how to preserve it, the relation of history teaching to citizenship, and type lessons in history and civics. In the report of progress in rural education, put out in 1916, the elementary course in rural education calls for work in civics during one quarter; the advanced course, which is of college grade, requires American government. It was thought that rural economics and sociology might perhaps be correlated with this course since there was an unusual opportunity in the schools associated with the institution to demonstrate such instruction; and besides, the actual working of community center activities would serve to illustrate the instruction.

In the report of extension work for 1916-1917 it was shown that some phase of civics was discussed on fifty-seven different occasions. Methods of teaching civics, both State and national; the relation of civics teaching to citizenship; community civics; and type lessons in civics were among these topics considered. As compared to other subjects, however, the popularity of civics was not great. For example, agriculture was chosen eighty-six times, arithmetic sixty-five times, didactics one hundred and fifty-eight times, domestic science one hundred and fifty times, grammar and language sixty-two times, manual training one hundred and thirty-three times, and reading eighty-seven times. The credit extension course in government included American government, municipal government, English government, modern European governments, and elementary civics. If the suggestions made in 1917 for the organization and classification of rural schools is adopted it will place lessons in good citizenship throughout the elementary grades. Oral lessons should be given in grades one to four at least once each week. An elementary text might be

used in the fifth and sixth grades; while an advanced text in American history should be used in grades seven and eight as a foundation for the study of civics and citizenship.<sup>59</sup>

At Iowa College in 1900 there were two main divisions shown under the head of political science, namely: political science proper, and political economy. A minor course in the former included a detailed study of the English and the American governments. A major course involved political parties and methods of political leadership, more especially in the United States. The theory of the State was also treated; while finance and other economic questions came in the appropriate connection. By 1903 the work had been further extended, and municipal government had displaced political parties as a separate subject. About 1904, it appears, political science and political economy were given separate chairs. It is noteworthy, however, that there was always a provision for a course in "some phase of political dynamics." As pointed out above a minor course in political science in 1909 included a detailed study of the American republic, local and municipal government, and comparative government. A major course required political philosophy, international law, constitutional law, legislation, and legislative methods. None of these courses seem to have been open to freshmen, and admission to the major work, of course, depended upon a previous preparation in the minor group.

Three purposes distinguished the work in political science or government in Grinnell College (formerly Iowa College) in 1910: first, to prepare students for the duties and responsibilities of citizenship; second, to "train men

<sup>59</sup> *Bulletin of the Iowa State Teachers College*, Vol. XV, No. 1, 1914, pp. 55, 56, 88, 109, Vol. XVIII, No. 1, 1917, pp. 68, 114, 125, Vol. XVI, No. 4, Pt. 1, 1916, p. 19, Vol. XVI, No. 4, Pt. 2, 1916, pp. 16, 18, 36, 41-43, Vol. XVII, No. 4, Pt. 1, 1917, pp. 23-27, 34, Vol. XVII, No. 4, Pt. 3, 1917, p. 5.

for leadership in politics and for the public service"; and third, to aid those who would enter upon a professional career in law, journalism, or in teaching. In every instance the aim was to arouse a "genuine interest in current politics and to help the student to think clearly upon present-day governmental problems." To accomplish these purposes at least nineteen courses were available.

By 1913 the number had been increased to twenty and among those added or so modified as to be practically new courses were rural government and its problems, conservation of national resources, and government and business. An introductory course, and one in Iowa government and politics were open to freshmen. In the latter course the aim was "to give such knowledge as every citizen should possess." The course in rural government involved a "detailed study of the county, township, and village, in the United States, and of such problems as public order, public safety, administration of justice, enforcement of law, good roads", and other problems related to local interests. It is believed that this course in some of its features was original with Grinnell College, at least so far as the colleges of this State were concerned. From time to time these titles were changed, and the content doubtless varied for the purpose of presenting the practical side of citizenship. In 1917 a course in "public affairs survey" given jointly by the departments of history, political science, and economics was announced. To be sure, this was for seniors only, but at the same time the freshmen had an opportunity to ground themselves in the fundamentals of a free government in courses especially provided for them.<sup>60</sup>

<sup>60</sup> *Catalogue of Iowa College*, 1900-1901, p. 88; *Iowa College Bulletin*, 1903-1904, Vol. II, No. 2, pp. 114, 115, 1904-1905, Vol. III, No. 2, pp. 12, 13, 91; *Grinnell College Bulletin*, 1909, Vol. VII, No. 1, pp. 118, 119, 1910, Vol. VIII, No. 1, pp. 131-136, 1913, Vol. XI, No. 2, pp. 148-153, 1917, Vol. XV, No. 2, pp. 138-142.

At Cornell College in 1896 the instruction in government or politics was under the auspices of the department of history, and covered comparative politics, constitutional and political history, and international law. In 1899 history, civics, and economics were still closely associated. There was a course in local, State, and national government in the sub-preparatory year. Iowa government had special attention, and the duties of citizenship were emphasized; besides, an advanced course over this same field, it appears, was available. In 1901 the aim in such instruction was to produce "sound thinking on governmental and political questions, the promotion of good citizenship, preparation for the study of law and for teaching civil government, and a training which shall be helpful in the direction of honorable and useful service on the part of those who may subsequently enter public life." The subjects which it was thought would most nearly meet such demand were provided. By 1907 there were eight courses including some of those already mentioned. At the present time the study of government is grouped under three or four heads, but history and political science still form a department under one management.<sup>61</sup>

The entrance examination at Coe College in 1891 included the science of government. The only reference to government in the college course itself at that time, however, seems to have been in a two-hour course in political science during the senior year. In 1892 the subject appeared as an elective in the form of a course in jurisprudence. According to the plan of organization at Coe in 1897, department A was devoted to philosophy and political science, and whatever attention was given to the social sciences, so-called, at that time was in that connection. In

<sup>61</sup> *Catalogue of Cornell College*, 1896-1897, p. 21, 1899-1900, pp. 43, 44, 1901-1902, pp. 24, 46, 1907-1908, pp. 43, 44, 1917-1918, pp. 60, 61.



1898 the subjects in department A were divided so that political and social science and constitutional law constituted the basis of a lecture course by Mr. William R. Boyd. At the same time Mr. James W. Good gave a course of lectures on elementary and international law. By 1900, however, history and political science were combined in one department, although the lectures were continued. In 1902 the president, it seems, took over the instruction in these subjects and the courses were extended, mainly in economics. There was no reference to any work in actual government or administration. Finally in 1905 the title of economics and sociology was used to designate the political and social sciences; and that arrangement seems to have been retained for American government and a general course in political science formed a part of the social science group in 1915.<sup>62</sup>

The normal college department of Drake University in 1900 taught the duties and privileges of an American citizen, the principles of his government, and incidentally, in connection with civil government, prepared teachers for an examination in civics. In addition to instruction in theoretical principles, the practical phases of government were illustrated by visits to the legislature, the various courts of the city of Des Moines, and the departments of State government at the capitol—in fact it was intended that the instructor would utilize all the opportunities to observe the administration of government. By 1903, however, very definite plans had been evolved by the department of economics and political and social sciences. There were at least six courses in government for juniors and seniors. The object of such courses was set forth in 1907 as liberal culture primarily, although it was hoped that the

<sup>62</sup> *Catalogue of Coe College, 1891-1892*, pp. 23, 26, 28, 31, 1892-1893, p. 31, 1897-1898, pp. 17, 18, 20, 1898-1899, pp. 23, 24, 1902-1903, pp. 49, 50, 1905-1906, pp. 57, 58, 1915-1916, p. 86.

student would gain a knowledge of facts and principles essential to success in business, commerce, civil and consular service, the professions, or in philanthropy. Among the nine courses offered in 1911-1912 was one in civics which treated of the forms and workings of government and the methods and practices in politics which affect the daily life of the citizen in local and State affairs. The department also took up questions relating to national, State, and municipal government. The outline for 1916-1917 shows several courses in political science, including American government.<sup>63</sup>

At Iowa Wesleyan University in 1893 Lieber's *Political Ethics*, in two volumes, was the text for political science in the junior year. International law was the only other course in government or politics. The study of Lieber's text gave way in 1901 to historical and descriptive politics. In 1902 the aim of the instruction was summarized as follows: to study the chief characteristics of the governments of other nations and their relation to the government of the United States; to suggest reform in political practice and to develop habits of unprejudiced thinking on political questions; and to give training of direct practical value to those about to enter upon the active duties of citizens. As late as 1917 the subjects offered seem to have been limited to a general course in political science, a course in the elements of politics, and one in international law.<sup>64</sup>

The status of this subject at Parsons College in 1879 is revealed in the announcement that in requiring the Constitution of the United States and international law in both classical and science courses the institution was acting in harmony with the leading colleges of the country. In 1893

<sup>63</sup> *Catalogue of Drake University*, 1900-1901, p. 83, 1903-1904, pp. 94, 95, 1907-1908, p. 98, 1911-1912, p. 65, 1916-1917, p. 109.

<sup>64</sup> *Catalogue of Iowa Wesleyan University*, 1893-1894, p. 12, 1901-1902, p. 24, 1902-1903, pp. 23, 34, 36, 1916-1917, p. 33.

another announcement contained the statement that "Political Science includes Political Economy, International Law, and the Constitution of the United States." From a group of subjects catalogued under political and social science in 1900, jurisprudence was the only one relating directly to government. The Federal government, however, was treated in the department of history, where there were also lectures on the Constitution of the United States. It was the practice at that time to require elementary civics, with special attention to the government of Iowa, in the academy. The subject of American government and its actual working was introduced about 1904, but in 1916-1917 the time devoted to government seems to be less than that given to economics and sociology.<sup>65</sup>

About 1900 Penn College established a department including political and social sciences and economics. American politics and international law were taught there while elementary civics was included in the course of study in the academy. In 1904 political science was not offered in any form but the next year constitutional and political history appeared in connection with the department of philosophy and history. Later, the purpose to so teach history that it would include the study of civics and lead to the practice of good citizenship was clearly expressed.<sup>66</sup>

The students at Simpson College in 1898 were expected to study the principles of civil liberty from Lieber's *Political Ethics*, constitutional law, and the evolution of such principles in the history of civilization. In 1902 moral science, civics, and economics, including a study of civic and social problems, were included under the general term of philosophy. Some attention was given to England and

<sup>65</sup> *Catalogue of Parsons College*, 1878-1879, pp. 12, 13, 1893-1894, p. 27, 1902-1903, pp. 22, 23, 24, 25, 69, 1904-1905, p. 23, 1916-1917, p. 64.

<sup>66</sup> *Catalogue of Penn College*, 1901-1902, pp. 15, 36, 1904-1905, p. 20, 1914-1915, p. 45.

the United States as representing the principles of self-government. Recent announcements mention American government and politics and a general course in political science, which is not, however, open to freshmen.<sup>67</sup>

The history of civilization seems to have been an all-inclusive title for a long period. It is among the earliest of the subjects cited, and in 1891 Tabor College had a half year devoted to it while the principles of the Constitution of the United States completed the work of the year. The constitutional history of the United States and England together with international law were the subjects dealing with problems of citizenship offered at Tabor in 1898. In 1900 the same courses were available under the department of history and a seminar was established to investigate some controverted questions in politics or history through reference to public documents owned by the college library. In 1902 the course laid out for seniors provided by terms for the following: the unification of the United States, interpretation of the Constitution, and the expansion of the United States. This scheme, however, seems to have been short lived since a new instructor in 1903 ceased to follow it. In 1908 "Government" becomes the general title for a study of the constitutional history and government of the United States and England and international law. But by 1914 this field had been limited to the political history of the United States.<sup>68</sup>

A department of political and social science at Upper Iowa University in 1900 carried three courses: (1) American politics dealing with the political and social institutions of the United States, the national and State govern-

<sup>67</sup> *Catalogue of Simpson College, 1898-1899*, p. 21, 1902-1903, pp. 34, 35, 1916-1917, p. 72.

<sup>68</sup> *Catalogue of Tabor College, 1891-1892*, p. 24, 1897-1898, p. 32, 1900-1901, p. 44, 1902-1903, p. 31, 1903-1904, pp. 32, 33, 1908-1909, p. 54, 1914-1915, p. 26.

ment, and the party system; (2) political ethics, based on Lieber's manual; and (3) institutional history. It was designed to give the student a comprehensive view of historical and practical politics, a knowledge of the nature and the development of law, and the functions and purpose of government. By 1915 it was definitely stated that the course in American government aimed to prepare young men and women for good citizenship.

About 1913 Leander Clark College offered two courses in politics or subjects dealing with government: (1) introduction to political science, and (2) American government and politics. In 1915 an outline was prepared for a detailed study of local government in order to familiarize the student with the organization of the government with which he was most closely identified. The three upper classes were expected to take this course; but unfortunately, it would seem, the next year diplomatic history displaced the study of local affairs. At Morningside College history and politics or government were under one management until about 1917, when economics and politics were put under one department or chair. For some years previous to that time five courses in government were listed, but only a part of these were given in any one year. In fact, government and politics in the United States was the only course given in 1916, although three were announced for 1917.<sup>69</sup>

It is noteworthy that Mount St. Joseph's College, an institution for girls at Dubuque, offers work in the constitutional history of the United States, which involves a study of the origin and development of the principles, the formation, interpretation, and the amendments of the Con-

<sup>69</sup> *Catalogue of Upper Iowa University*, 1899-1900, p. 24, 1915-1916, p. 48; *Bulletin of Leander Clark College*, 1913, Vol. VIII, No. 2, p. 72; *Catalogue of Leander Clark College*, 1915, p. 62, 1916, p. 63; *Morningside College Bulletin*, 1916, No. 30, p. 74, 1917, No. 36, p. 72.

stitution. Reference is made also to the unwritten constitution, to the development of the United States in the twentieth century, and to the political and social changes which have taken place. Six or more courses dealing with subjects relating to citizenship were announced.<sup>70</sup>

At Dubuque College — formerly St. Joseph's — instruction in civics included, in 1914, a study of the national and State government, the Federal union, party government, as well as the political rights and duties of citizens. The Dubuque College and Seminary, another private institution, made the spirit of patriotism and duty to one's country a feature of the teaching. Attention was called to the recent tendencies toward improvement in State and local government. Six distinct courses relating to government were described in 1917.<sup>71</sup>

Wartburg College, at Clinton, in 1914 required civil government in the first class of the academy, and American government in the classical and science courses of the college. The student was encouraged to draw upon current news for illustrative material. Luther College at Decorah has, it seems, no course in government, except in preparatory work. The Lutheran College at Jewell in 1914 had American government, both local and national, together with Iowa government which was studied in comparison with that of other States.<sup>72</sup>

In this brief review of the work in some of the Iowa higher institutions a very great diversity in plans and practices is apparent. Indeed, one may at once pronounce the verdict that there have been sinners among the best of them. There have been, however, some leaders among the

<sup>70</sup> *Year Book of Mount St. Joseph's College*, 1917, pp. 26, 27.

<sup>71</sup> *Catalogue of Dubuque College*, 1914-1915, p. 92; *Catalogue of Dubuque College and Seminary*, 1917-1918, pp. 30, 54, 56.

<sup>72</sup> *Catalogue of Wartburg College*, 1914-1915, p. 11; *Catalogue of Jewell Lutheran College*, 1913-1914, p. 17.

men identified with the colleges who have realized that there was an opportunity at hand to establish a department or to build a structure firmly devoted to the training of men and women in the higher ideals of political life. It is not difficult to select these leaders and the institutions they represented. The mystery lies in the seeming failure to get together on plans and purposes.

### VIII

#### SOME RECENT OPINIONS AND ACTIVITIES

The president of the National Security League has said: "Knowing the profound patriotism of Americans when they hear a call of duty, I submit that the treatment of the great issues by the masses is proof positive that public education has not equipped the citizen to serve the country; it has failed to give the average man knowledge of the problems of government . . . . America has to compete with countries . . . . with whose citizens patriotism is a religion. It is ridiculous for us to think that we can maintain our position without thorough, general, mental preparedness. This calls for a revolution in the practice and teaching of citizenship and emphasizes the truth that knowledge by the people is national security."<sup>73</sup>

If present endeavors mean anything the public schools may be expected to profit by the instruction from the higher authorities and institutions which are sending out suggestions for new activities. This is not a time to curtail public schools was the warning issued by the Federal Bureau of Education; "patriotism demands that taxes and funds be raised for *local education as well as for other war projects.*" Citizenship can not be taught, it is said, without materials, and these should include books, newspapers,

<sup>73</sup> S. Stanwood Menken's *A Concept of National Service* in the National Security League's *Patriotism Through Education Series*, No. 27, p. 4.

magazines, town and city ordinances, information on local industries, and a history of the community. In other words, there must be a disposition to "tie up the school with reality if you would make live citizens." Indeed, "we are not building permanently unless the youth of our land are made fully acquainted with the meaning of American citizenship. We must give patriotism a vitality which will find expression in service." In this connection the rural schools and the schools of the small town have been charged with a really greater responsibility than the city systems, since there are so many more of them; and besides, it might have been said that their opportunities are probably greater.

It is quite clear that the teacher must become impressed with both the opportunity and the responsibility if the desired program is to be carried out. Among the recently published comments on this subject the following sentences may be quoted:—"In passing, may I express the hope that the committee on education will urge the establishment of citizenship classes to teach teachers". "In teaching citizenship, do not forget that you are yourself a citizen". "Education in citizenship will equip us to deal with many public questions, responsibility for which we now dodge".<sup>74</sup>

If "good government has become *every man's business*", and if the responsibility for producing well-informed citizens rests upon the public schools and colleges, it seems that the agitation which has been so marked at certain periods in the past half century should soon begin to bear fruit. Concerted efforts should be made to equip the average man with a "knowledge of the problems of govern-

<sup>74</sup> *Secondary School Circular of the United States Bureau of Education*, April, 1918, No. 2, p. 6; *The National Security League's Teachers Patriotic Leaflets*, Vol. I, No. 3, pp. 2, 4, 6, 9; *The National Security League's Patriotism Through Education Series*, No. 27, pp. 5, 6.



ment". It is always easy to talk, but difficult to act. The history of this reform, however, is but the repetition of that of many others: until some are ready to sacrifice for the end desired success will never be attained. The objective in this instance can only be reached by the united action of men in all ranks of education.

Whether the war activities of the public schools will produce a permanent result in the form of citizen training can not be determined at this time: history itself must reveal the results. To be sure, never before have the schools of the nation presented such a spectacle as at present, and the lessons learned will be more surely impressed the longer the activities are continued. National aid has been provided to equip the several grades of instruction with material which will show in a new way the resources of this country and some of its problems. Some of the schools of Iowa immediately took advantage of such assistance because the man or woman in charge appreciated the opportunity. Besides, the local organizations for food and fuel conservation, the war savings campaign, the junior red cross, the boy scouts, the working reserve, the garden clubs — all agencies to help the nation — are concrete demonstrations of civic instruction. Their meaning can not be misunderstood.

Along with these efforts there is also a tendency to get away from the old type of formal civil government teaching: civics has been given more attention, and the practical side of administration has been emphasized rather than the mere skeleton of government. The community, where instruction should begin, has had some consideration, and inquiry shows a disposition to adapt instruction to the environment. Logic has given way to psychology; sense and feeling have replaced in some degree the cold and

formal presentation of facts. Examples are at hand to demonstrate the possibilities in the newer conception of teaching citizenship, and it may be that the reorganized instruction will forever make it impossible to justly criticize the public schools for neglect of this duty.

Adjustment along the entire line from the primary school through the college ought to make it possible for men and women to know not only the fundamentals of a free government but also to be familiar with the daily procedure of the community and nation. This can not be done, however, by public school teachers who refuse to inform themselves about the homely affairs of the government in which they seem often to have no interest. Nor can the college student profoundly respect the instructor who is "too busy" to be informed on the great problems of the day. The rights and duties of citizens — it is a great text for all Americans.

CLARENCE RAY AURNER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

## THE PRESIDENT OF THE SENATE IN IOWA

[The official position of the President of the Senate corresponds to that of the Speaker of the House of Representatives; and so this article may be regarded as a companion to the monograph by Dr. Upham on *The Speaker of the House of Representatives in Iowa* which was published in the January, 1919, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.—EDITOR.]

### I

#### HISTORICAL TRADITION AND LEGAL STATUS

Under the bicameral system of legislative organization which now prevails in the United States the presiding officer of the upper house usually holds his position *ex officio*, while the moderator of the lower house is usually elected by the members from among their own number. Moreover it has worked out that the chairman of the upper house in America is elected by the people at large as an executive official with *ex officio* legislative duties and responsibilities: thus, the Vice President presides over the United States Senate, and in most of the States the Lieutenant Governor presides over the State Senate.<sup>1</sup> Some of the earlier State constitutions, however, provided that the presiding officers of the two houses should be identical in character and method of election. In 1780 the Constitution of Massachusetts, for example, provided that both the Senate and House should choose their own presiding officers.<sup>2</sup> Tennessee, too, as late as 1870 adopted a Constitution providing that each house of the legislature should choose its own Speaker.<sup>3</sup>

<sup>1</sup> This rule prevails also in Great Britain and in many other countries which have bicameral parliamentary bodies.

<sup>2</sup> *Constitution of Massachusetts*, 1780, Pt. II, Ch. I, Sec. 2, par. 7, Sec. 4, par. 10.

<sup>3</sup> *Constitution of Tennessee*, 1870, Art. II, Sec. 11.

There was considerable discussion prior to the adoption of the Federal Constitution as to whether the Senate should be allowed to choose a presiding officer from among its members: indeed there was strong opposition to the establishment of the office of Vice President. Some thought such an official "not a very important, if not an unnecessary part of the system";<sup>4</sup> while others went so far as to say that the office is "as unnecessary as it is dangerous."<sup>5</sup> It was alleged that this officer, "for want of other employment, is made president of the senate, thereby blending the executive and legislative powers, besides always giving to some one state, from which he is to come, an unjust pre-eminence."<sup>6</sup> On the other hand, it was urged that "the vice-president is not an executive officer while the president is in discharge of his duty, and when he is called to preside his legislative voice ceases."<sup>7</sup>

Two considerations were said to justify the final decision of the convention. "One is, that to secure at all times the possibility of a definitive resolution of the body, it is necessary that the President should have only a casting vote. And to take the Senator of any State from his seat as Senator, to place him in that of President of the Senate, would be to exchange, in regard to the State from which he came, a constant for a contingent vote. The other consideration is, that, as the Vice-President may occasionally become a substitute for the President, in the supreme Executive magistracy, all the reasons which recommend the mode of election prescribed for the one, apply with great,

<sup>4</sup> *The Federalist and Other Constitutional Papers*, p. 856.

The reference is to the edition by E. H. Scott published in 1894.

<sup>5</sup> *The Federalist and Other Constitutional Papers*, p. 628.

<sup>6</sup> *The Federalist and Other Constitutional Papers*, p. 628.

<sup>7</sup> *The Federalist and Other Constitutional Papers*, p. 573.

if not with equal, force to the manner of appointing the other.”<sup>8</sup>

It was also urged, that the “Vice-President, while he acts as President of the Senate will have nothing to do in the executive department; his being elected by all the states will incline him to regard the interests of the whole, and when the members of the senate are equally divided on any question, who so proper to give a casting vote as one who represents all the states?”<sup>9</sup>

The majority of the Commonwealths have followed the lead of the framers of the Constitution of the United States; and so to-day in the States as well as in the nation the Speaker of the lower house is given his position by the party vote of the legislative body over which he presides, while the President of the upper house is such *ex officio*. It is so in Iowa: the House of Representatives elects a Speaker from among its own members; while the Senate must accept as its President the Lieutenant Governor elected by the people. But this has not always been the case.

The office of Lieutenant Governor was not created in Iowa until 1857. Prior to that time, during the Territorial period from 1838 to 1846 and under the first State Constitution from 1846 to 1857, the Massachusetts-Tennessee system prevailed in Iowa. The Presidents of the Council during the period of the Territory and the Presidents of the Senate during the period of the Constitution of 1846 did not differ in character or manner of selection from the Speakers of the House during the same periods.

When the Council of the First Legislative Assembly of the Territory of Iowa met in session on the twelfth of November, 1838, it devolved upon that body to effect some sort of organization. The Organic Act contained no men-

<sup>8</sup> *The Federalist and Other Constitutional Papers*, p. 376.

<sup>9</sup> *The Federalist and Other Constitutional Papers*, p. 613.

tion of a moderator for the Council: it provided merely that "the persons . . . . elected to the Legislative Assembly shall meet at such place, and on such day as he [the Governor of the Territory] shall appoint".<sup>10</sup> There were neither constitutional provisions nor statutory regulations for the election of a presiding officer.<sup>11</sup>

The President of the Council in the First Legislative Assembly, however, seems to have had a legal status somewhat more definite than that of the Speaker of the House in the same session, since the Council, before perfecting organization by the election of permanent officers, drew up rules for its own governance, wherein it was provided that the "Council shall choose by ballot one of their own number to occupy the Chair. He shall be styled President of the Council."<sup>12</sup> Although the official journal does not record the adoption of the rules of which this regulation formed a part, the omission is doubtless a clerical error. At any rate on the afternoon of the thirteenth of November Jesse B. Browne was elected President of the Council, having received the whole number of votes cast.<sup>13</sup> At later sessions of the upper house almost without exception the rules of the previous session were adopted by the Council before effecting organization, thus authorizing the election of a President.

The Second Legislative Assembly, recognizing the advisability of placing the office of President on a statutory basis, enacted a law which directed that "after the decision of all cases of contested elections, the Council shall proceed

<sup>10</sup> *Organic Act*, Sec. 4, in Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 103.

<sup>11</sup> See Upham's *The Speaker of the House of Representatives in Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS* for January, 1919, pp. 5, 6.

<sup>12</sup> *Council Rules*, 1838-1839, Rule I.

<sup>13</sup> *Council Journal*, 1838-1839, p. 20.

to elect a president".<sup>14</sup> This statute continued in force down to 1851, when it was superseded by a more general provision authorizing the "election of officers".<sup>15</sup>

Agitation for the admission of Iowa into the Union as a State began in 1840. In August of that year a vote of the people was taken on the question of calling a constitutional convention, which resulted in the defeat of the proposition by a large majority. Two years later the people voted on the same question, and again it was defeated by a majority in every county. But in 1844 a favorable vote was secured and delegates were elected to the first constitutional convention which met in Iowa City on October 7, 1844. The Constitution drafted by this convention is known as the Constitution of 1844.

Although this instrument was never adopted by the people of the State, and consequently was never in force, the provision which it contained for a presiding officer of the Senate should be noted. It authorized the election of a Lieutenant Governor who was to be *ex officio* President of the Senate. Unsuccessful arguments against the incorporation of this section were based "upon the principle of economy, and the non-necessity of the Office."<sup>16</sup> Two years later these arguments must have had more weight, for the Constitution of 1846 in its final form contained no provision for a Lieutenant Governor, although the reports show no debate on this point. The report of the Committee on Legislative Department, it is true, included the provisions of the Constitution of 1844 in regard to the duties of the Lieutenant Governor as the presiding officer of the Senate; but the Committee on Executive Department

<sup>14</sup> *Laws of Iowa*, 1839-1840, Ch. 66, Secs. 5, 10.

<sup>15</sup> *Code of 1851*, Ch. 2, Sec. 8.

<sup>16</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 50.

did not include such an officer in their scheme of executive organization, and no mention of a Lieutenant Governor was made in the Constitution as finally adopted.<sup>17</sup>

It is clear that the framers of the Constitution of 1846 intended that the Senate should have a President and that he should be chosen by the members from among their own number. The original draft of the section on the legislative department, which carried a provision for a Lieutenant Governor, prescribed that "the Senate shall appoint its own officers except the President". By a vote in open convention the words "except the president" were stricken out.<sup>18</sup> Then, too, the Constitution of 1846, while it did not specifically provide for the office, did give it recognition in providing that bills passed by the Senate should be authenticated by the President thereof and that in case of the inability of both the Governor and the Secretary of State to act as chief executive of the Commonwealth, by reason of death, resignation, removal, impeachment, or absence from the State, the duties of the executive department should fall upon the President of the Senate.<sup>19</sup>

There is little or nothing to indicate the character of the change in political affairs which brought about the provision for the office of Lieutenant Governor in the new Constitution. As the State grew in population and wealth, many of the voters may have felt that this State should conform to the standards set by the other States. At any rate, the Constitution of 1857 made provision for a Lieutenant Governor who should act as President of the Senate. Since that time the presiding officer of the upper house has been a constitutional officer elected by the people of the State.

<sup>17</sup> *Journal of the Constitutional Convention, 1846*, pp. 42, 43, 54, 56, 57.

<sup>18</sup> *Journal of the Constitutional Convention, 1846*, pp. 43, 57.

<sup>19</sup> *Constitution of Iowa, 1846*, Art. IV, Sec. 16, Art. V, Sec. 19.



PRESIDENTS OF THE COUNCIL OF THE LEGISLATIVE ASSEMBLY OF  
IOWA DURING THE TERRITORIAL PERIOD

NAME OF PRESIDENT	YEAR OF SERVICE	SESSION OF LEGISLATIVE ASSEMBLY
Jesse B. Browne	1838-1839	First Legislative Assembly
Stephen Hempstead	1839-1840	Second Legislative Assembly
James M. Clark	1840	Second Legislative Assembly (Extra Session)
M. Bainbridge	1840-1841	Third Legislative Assembly
Jonathan W. Parker	1841-1842	Fourth Legislative Assembly
John D. Elbert	1842-1843	Fifth Legislative Assembly
Thomas Cox	1843-1844	Sixth Legislative Assembly
Francis Gehon	1844	Sixth Legislative Assembly (Extra Session)
Serranus C. Hastings	1845	Seventh Legislative Assembly
Stephen Hempstead	1845-1846	Eighth Legislative Assembly

PRESIDENTS OF THE SENATE OF THE GENERAL ASSEMBLY OF IOWA  
UNDER THE FIRST STATE CONSTITUTION

NAME OF PRESIDENT	YEAR OF SERVICE	GENERAL ASSEMBLY
Thomas Baker	1846-1847	First General Assembly
Thomas Hughes	1848	First General Assembly (Extra Session)
John J. Selman	1848-1849	Second General Assembly
Enos Lowe	1850-1851	Third General Assembly
William E. Leffingwell	1852-1853	Fourth General Assembly
Maturin L. Fisher	1854-1855	Fifth General Assembly
Maturin L. Fisher	1856	Fifth General Assembly (Extra Session)
W. W. Hamilton	1856-1857	Sixth General Assembly

**LIEUTENANT GOVERNORS AND PRESIDENTS OF THE SENATE OF THE  
GENERAL ASSEMBLY OF IOWA UNDER THE  
CONSTITUTION OF 1857**

<b>NAME OF PRESIDENT</b>	<b>YEAR OF SERVICE</b>	<b>GENERAL ASSEMBLY</b>
Oran Faville	1858	Seventh General Assembly
Nicholas J. Busch	1860	Eighth General Assembly
Senator James F. Wilson President <i>pro tempore</i>	1861	Eighth General Assembly (Extra Session)
John B. Needham	1862	Ninth General Assembly
John B. Needham	1862	Ninth General Assembly (Extra Session)
Enoch W. Eastman	1864	Tenth General Assembly
Benjamin F. Gue	1866	Eleventh General Assembly
John Scott	1868	Twelfth General Assembly
Madison M. Walden	1870	Thirteenth General Assembly
Henry C. Bulis	1872	Fourteenth General Assembly
Henry C. Bulis	1873	Fourteenth General Assembly (Adjourned Session)
Joseph Dysart	1874	Fifteenth General Assembly
Joshua G. Newbold	1876	Sixteenth General Assembly
Frank T. Campbell	1878	Seventeenth General Assembly
Frank T. Campbell	1880	Eighteenth General Assembly
Orlando H. Manning	1882	Nineteenth General Assembly
Orlando H. Manning	1884	Twentieth General Assembly
John A. T. Hull	1886	Twenty-first General Assembly
John A. T. Hull	1888	Twenty-second General Assembly
Alfred N. Poyneer	1890	Twenty-third General Assembly
Samuel L. Bestow	1892	Twenty-fourth General Assembly
Warren S. Dungan	1894	Twenty-fifth General Assembly
Matt Parrott	1896	Twenty-sixth General Assembly
Matt Parrott	1897	Twenty-sixth General Assembly (Extra Session)
James C. Milliman	1898	Twenty-seventh General Assembly

NAME OF PRESIDENT	YEAR OF SERVICE	GENERAL ASSEMBLY
James C. Milliman	1900	Twenty-eighth General Assembly
John Herriott	1902	Twenty-ninth General Assembly
John Herriott	1904	Thirtieth General Assembly
John Herriott	1906	Thirty-first General Assembly
Warren Garst	1907	Thirty-second General Assembly
Warren Garst	1908	Thirty-second General Assembly (Extra Session)
George W. Clarke	1909	Thirty-third General Assembly
George W. Clarke	1911	Thirty-fourth General Assembly
William L. Harding	1913	Thirty-fifth General Assembly
William L. Harding	1915	Thirty-sixth General Assembly
Ernest B. Moore	1917	Thirty-seventh General Assembly
Ernest B. Moore	1919	Thirty-eighth General Assembly

## II

DETERMINING FACTORS IN THE ELECTIONS OF  
PRESIDENTS OF THE IOWA SENATE

No attempt will be made to trace the influences which have led to the popular or party selection of Lieutenant Governors following the adoption of the Constitution of 1857, since that is a matter which has little or no connection with an account of the President of the Senate as such. Certain it is that the Lieutenant Governor has not been chosen primarily with a view to the performance of the legislative duties incident to his office. Indeed, some of the Lieutenant Governors have been men of no previous legislative experience, while those who were experienced were usually chosen through political motives rather than because of their preparedness for the performance of duties as a presiding officer of a legislative body.

But there properly should be some consideration of the elections and the play of interests prior to elections during the period when the Senators themselves chose their presiding officer. The qualifications necessary for the President of the Council or Senate during early times were merely those of a member of the Council or Senate over which he presided. It will be seen later how certain negative qualifications operated to prevent the reelection of a President during an extra session and in fact almost deprived him of his seat in the Senate. The elections were partisan. During the entire period from 1838 to 1857 Iowa was Democratic, and the Democrats controlled the Senate. Within the party various causes contributed to the selection of a particular man for the office of President. Popularity sufficient to secure votes was necessary. Many of those chosen were party leaders and men of ability and experience. Local interests and sectional rivalry played a part. Nor did charm of personality go unrewarded. Some of the moderators thus elected were compromise candidates.

The President of the Council in the session of the First Legislative Assembly was Jesse B. Browne, a Whig from Lee County. In this case as in the House for the same session the presiding officer was chosen through sectional rather than party interests.<sup>20</sup> But in every succeeding ses-

<sup>20</sup> It is interesting to note that in the House of Representatives of the First General Assembly in 1846, Jesse B. Browne was again elected to preside over a Democratic membership. The members from Lee County held the balance of power, and Browne was elected Speaker to secure the solid vote of the Lee County men in the election of United States Senators and Supreme Court Judges.—*The Iowa Standard* (Iowa City), November 11, 25, 1846.

There was an attempt to explain the election of Maturin L. Fisher partly on sectional grounds. An early historian wrote in 1885 of the "coincidence that the presiding officers of both Houses of this Legislature were from the same county, indicating a preponderance of intellect in the northern part of the state, and certainly a compliment to Clayton County, which has never been accorded to any other county of Iowa."—*Iowa Historical Record*, Vol. I, p. 83.

This statement shows how unreliable are reminiscences for just four years

sion the party caucus largely determined who should preside. The caucus was crude and did not approximate its present-day efficiency, but at times it did its work thoroughly. In the session of 1841-1842, when Jonathan W. Parker was accused of voting for himself,<sup>21</sup> the party caucus determined who should fill the legislative offices. "No individual, so far as we know", wrote an Iowa City editor, "was suffered to have his name put in nomination for any of the offices conferred, either in the House or Council, by the Locofoco Junto . . . we are credibly informed, that at an early stage of the Star-Chamber doings, a solemn resolve was taken, that *no Whig* county in the Territory should have an officer in the Legislature".<sup>22</sup> Thomas Hughes was undoubtedly elected in return for his services to the party as the editor of the *Iowa Capitol Reporter*.<sup>23</sup>

It is apparent that the Presidents of the upper house during this period were able men, possessing the special qualification of legislative experience. Colonel Thomas Cox when elected President of the Council in the Sixth Legislative Assembly was the oldest member of the Council. He was said to have had "much experience in legislation, having been for many years a member of one or the

prior to this session, Enos Lowe of Des Moines County had presided in the Senate, and George Temple of the same county in the House of the Third General Assembly.

<sup>21</sup> Parker undoubtedly did vote for himself. Otherwise no election could have been possible, as the Council was equally divided. The party editors, commenting on the election said, "General Parker, if he did so at all, cast a vote, not for himself alone, nor for the gratification merely of the wishes of his associate Democratic members of the Council, BUT IN CONFORMITY WITH A SOLEMN DUTY WHICH HE OWED TO THE DEMOCRATIC PARTY THROUGHOUT THE TERRITORY; every true member of which, had he been present, would sternly have DEMANDED IT OF HIM, rather than have witnessed the thwarting of a majority by a stubborn and factious minority."—*Iowa Capitol Reporter* (Iowa City), December 18, 1841.

<sup>22</sup> *The Iowa City Standard*, December 11, 1841.

<sup>23</sup> *The Annals of Iowa*, Vol. VIII, p. 212.

other branch of our Territorial Legislature, and once Speaker of the House of Representatives. He will make an efficient and prompt presiding officer.”<sup>24</sup> In the Seventh Legislative Assembly, Serranus C. Hastings was said to have “had much experience as a legislator, having been a member of one or the other branch of the Assembly, almost every session since the organization of our government. His experience, talents and character will reflect credit upon the honorable post assigned him by his fellow members.”<sup>25</sup> In 1845-1846 it was written of Stephen Hempstead that he had “served several sessions in our Legislative Assembly, once before in the capacity of President of the Council”,<sup>26</sup> to which office he had been again elected. Thomas Cox had previously served in the Illinois Senate; and Enos Lowe had been a member of the Indiana legislature.

Since the adoption of the present Constitution in 1857 the President of the Senate, in the person of the Lieutenant Governor, has been elected by the people — a choice which has been determined largely by political considerations. The first Lieutenant Governor, Oran Faville, was placed on the Republican ticket as a vote getter for the party. He was nominated as “a ‘compliment’ to the many estimable foreign citizens in the party in the State.”<sup>27</sup> The same trick was turned in 1859 when it came time to elect Iowa’s second Lieutenant Governor. In that year the Republicans, “as an earnest of their sincerity” to foreigners within the State, nominated and elected Nicholas J. Rusch, a prominent German of Davenport. He spoke English with difficulty, and it was said his nomination was a

<sup>24</sup> *Iowa Capitol Reporter* (Iowa City), January 13, 1844.

<sup>25</sup> *Iowa Capitol Reporter* (Iowa City), May 10, 1845.

<sup>26</sup> *Iowa Capitol Reporter* (Iowa City), December 3, 1845.

<sup>27</sup> *The Annals of Iowa* (Third Series), Vol. VIII, p. 203.

"salve to heal the wounded feelings of his countrymen in this State."<sup>28</sup>

In addition to the qualifications prescribed for Governor and Lieutenant Governor the Constitution of 1857 put a negative qualification upon holders of those positions in the provision that "no person shall, while holding any office under the authority of the United States, or of this State, execute the office of Governor or Lieutenant Governor, except as hereinafter expressly provided."<sup>29</sup>

Formal elections of the President of the Council and Senate during the period prior to 1857 varied somewhat. Permanent organization usually took place on the second or third day of the session. Sometimes a contest delayed the election, as happened in the Sixth Legislative Assembly when the President was not elected for over a month. But ordinarily organization was effected in the opening days of December.

The rules adopted by the Council in 1838-1839 provided that the President should be selected by ballot;<sup>30</sup> and practice followed these rules in every session of the Council except one. In the Eighth Legislative Assembly in 1845-1846, Stephen Hempstead was unanimously appointed on motion.<sup>31</sup> Election in the Senate of the First General Assembly was also by ballot, but the rules were changed that session to provide for a viva voce vote. Thereafter during the period under the first State Constitution roll calls decided the matter in all sessions except those of the Fifth General Assembly. In the regular session of this Assembly it took sixteen formal ballots to elect Maturin L. Fisher; while in the extra session the same gentleman was unanimously elected on motion.

<sup>28</sup> *The Annals of Iowa* (Third Series), Vol. VIII, pp. 215, 216.

<sup>29</sup> *Constitution of Iowa*, 1857, Art. IV, Sec. 14.

<sup>30</sup> *Council Rules*, 1838-1839, Rule I.

<sup>31</sup> *Council Journal*, 1845-1846, p. 6.

The records of the first two assemblies contain no evidence of formal nominations; but in later sessions it was ordinarily the custom for one or more names to be formally presented to the body by this method. Election was frequently had upon the first ballot or upon the first roll call. In the Second Legislative Assembly, however, it took ten votes to elect Stephen Hempstead; and in the contest of 1843-1844 Thomas Cox was victorious on the thirty-first ballot.<sup>82</sup>

Under the Constitution of 1857 as amended in 1884 the Lieutenant Governor is elected at the general State election which is held on the Tuesday next after the first Monday in November.

### III

#### INSTALLATION

The installation of the President of the Iowa Council was extremely simple and informal. When Jesse B. Browne was elected President of the Council of the First Legislative Assembly of the Territory of Iowa, he took the chair without any semblance of formality. In later sessions, however, it became customary to appoint a committee of two members to conduct the newly elected officer to the chair, from which station he was wont to return thanks to the body for the honor thus conferred upon him. The President-elect, in returning thanks, usually insisted upon his own unworthiness and lack of ability, and asked for aid and support from his colleagues. Apparently the President of the Council was not required to take an oath of office.

The formality of installation in the Senate during the period of the first State Constitution did not differ from that followed in the Territorial Council. Since 1857 the

<sup>82</sup> *Council Journal*, 1839-1840, p. 11.



ceremony in the Senate must needs wait upon the formal declaration that the election has been found genuine and until the oath of office has been taken by the person elected. The Constitution provides that the "returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly."<sup>33</sup> It is further provided by the Constitution that the "official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified."<sup>34</sup>

On the morning of Thursday, January 14, 1858, the two houses of the Iowa General Assembly met in joint convention, and after conducting an official canvass of the vote cast for Governor and Lieutenant Governor at the recent election, proceeded to inaugurate the first Governor and the first Lieutenant Governor under the new Constitution. When the Senate convened on the following day a committee was appointed to conduct the new President, Oran Faville, to the chair, from which position Mr. Faville addressed the Senate in a short speech. Subsequent installations have been conducted in essentially this manner down to the present day.

The *Code of 1897* provides that the "general assembly shall meet in joint session on the second Tuesday of January or as soon thereafter as both houses have been organized after the biennial election, and canvass the votes cast for governor and lieutenant governor and determine the election; and when the canvass is completed, the oath of

<sup>33</sup> *Constitution of Iowa, 1857, Art. IV, Sec. 3.*

<sup>34</sup> *Constitution of Iowa, 1857, Art. IV, Sec. 15.*

office shall be administered to the persons so declared elected and the governor shall deliver to the joint assembly any message he may deem expedient.'<sup>35</sup> The oath of office is administered by the Chief Justice of the Supreme Court.

Variations in the ceremony of installation have occurred from time to time, but the main features have remained the same. There is always an inaugural program which is arranged by committees appointed from the two houses. The inaugural reception is a customary feature of this program.

When a newly elected President is inducted into the office he is escorted to the chair and presented to the retiring Lieutenant Governor, who in turn presents him to the Senate. Usually both make short speeches; and frequently this event is made the occasion for resolutions of thanks and gifts to the retiring officer. In those instances where the retiring Lieutenant Governor is the incoming Governor, the President *pro tempore* of the Senate presides at the inaugural joint convention and also presents the newly elected President to the Senate. George W. Clarke was the first Lieutenant Governor to be elected Governor, although two others—Joshua G. Newbold and Warren Garst—succeeded to the office upon the resignation of the Governor.

Ordinarily when the President assumes the chair he addresses the Senate in a formal speech of greeting. But Lieutenant Governor Enoch W. Eastman, who took the position during the stress of war in 1864, made a stirring address. He said in part:

Senators, we are living in perilous times. Every day brings new responsibilities upon us. Treason is to-day in arms against our blessed Government. It exists, too, in the *hearts* of many persons

<sup>35</sup> *Supplement to the Code of Iowa, 1913, Sec. 30-a.*

whose homes are in the loyal States, and who have not, as they long ago should have been, banished from the country. I most devoutly hope and trust that it has not and *will not* cross the threshold of this Legislative hall. I really hope there is not a heart in the breast of any member of this honorable body, which does not beat with devotion to an inseparable Union. If, unfortunately, such an one is here, my heart's desire and prayer to God is, that his tongue may be paralyzed and cleave to the roof of his mouth whenever it attempts to utter the intent of the heart. For the honor of the State, I do hope that the patriotic men of Iowa who have taken their lives in their hands and gone to the tented field, will not receive a shot in the rear from any member of this honorable Senate.

Much has been said of the sacred right of speech. It is claimed by some that the right can in no case be abridged. This claim is seldom put forth by any except those who use it for a shield to invade the rights of others, and to propagate treason. Under this *claim* nearly every traitor member stood up in Congress and defiantly fulminated treason against our Government. The States of Illinois and Indiana and some others have been disgraced by like proceedings in their Legislatures, to the great mortification of the soldiers in the army from those States.

I do not believe in any such right. The right of speech, like all other rights, can never be legitimately used to infringe upon the sacred rights of persons by slander or libel. And the exercise of it to that extent is not only a licentious use, but a *crime* which the common law punishes by indictment, fine and imprisonment. The character and existence of the Government are paramount to the life of a person, and every one goes *beyond* the bounds of loyalty who *talks* the Government into disrepute with the people. Sedition and Treason are first propagated and then consummated by a licentious exercise of speech.

I hold that no man has the legal, moral or political right to *begin* to do, or even to *advocate* that which the law will punish him for consummating.

Believing, therefore, as I do, that the ax should be laid at the *root* of the tree, I will hold it *unparliamentary* for anyone to talk treason, or advocate the cause of secession or any dismemberment of our Union, or in any way give aid and comfort to the rebellion by

pleading the cause of the traitors, or denouncing or disparaging the Government in this Senate while I preside over it. The right of speech in a Legislative Assembly does not extend beyond the bounds of loyalty.

But, Senators, I hope better things of you, though I thus speak.

Within the limits of *loyalty* it will be my desire to give a liberal construction to all parliamentary rules in favor of free discussion. I confess to have been elected by a *party*—by a party which is loyal to this Union, and fights against and ultimately will crush out this rebellion. To that party I intend to be true. Beyond that I desire to know no distinction of persons in the discharge of my duties.<sup>36</sup>

Two years later when President Eastman resigned the chair he defended his stand as to disloyal speeches in the Senate and referred to his speech of 1864 as follows:

Some exception was taken to this by some papers, and persons, not members of this Senate. I desire now to be understood that I then had no reference to any member of the Senate; but I said it in *my place* because I thought it was time that this unquestionable parliamentary rule was promulgated and enforced, and to give notice that I intend to do it. I now take great pleasure in bearing testimony that during all the time I have presided over the Senate, each and every member has evinced a sacred devotion to the Union. Not one disloyal word or idea has been uttered by any one. Thank God, the *Iowa* Senate has *all* been loyal. So may it ever be.<sup>37</sup>

In 1884 when Orlando H. Manning resumed the chair the *Senate Journal* recorded no formal seating of the President, although in former years when a man succeeded himself, the President *pro tempore* went through the motions of turning over the gavel, chair, and office.<sup>38</sup> Indeed, in 1878 when the Lieutenant Governor had become Governor, the President *pro tempore* of the previous session, although

<sup>36</sup> *Senate Journal*, 1864, pp. 66, 67.

<sup>37</sup> *Senate Journal*, 1866, p. 57.

<sup>38</sup> *Senate Journal*, 1884, p. 32.

not then a member of the Senate, came to the Capital, convened the Senate, presided at the joint convention, and formally resigned the chair to the newly elected Lieutenant Governor.<sup>39</sup> But in 1886 the President *pro tempore* of the preceding session was not present, and in view of the fact that Lieutenant Governor Manning had resigned in October, 1885, a President *pro tempore* was elected who presided at the inaugural convention and later introduced President John A. T. Hull to the Senate.<sup>40</sup>

Owing to the contest for the speakership in the House of Representatives and the consequent inability of that body to effect a permanent organization, the inauguration of the Governor and Lieutenant Governor in 1890 did not take place until the twenty-seventh of February. Thus President Hull presided for practically half the session.<sup>41</sup>

The session of 1900 witnessed a change in the inaugural custom. Lieutenant Governor James C. Milliman, reëlected to succeed himself, nevertheless presided in the joint convention at which he was inaugurated for the second time, and when the Senate reconvened he made a short address and announced the standing committees.<sup>42</sup> Lieutenant Governor John Herriott followed this precedent in 1904 in so far as the inaugural was concerned; but upon the reconvening of the Senate, Senator James A. Smith presided as President *pro tempore* and introduced Mr. Herriott.<sup>43</sup>

Again, in 1909 the President of the Senate had become

<sup>39</sup> *Senate Journal*, 1878, pp. 3, 13, 19.

<sup>40</sup> *Senate Journal*, 1886, pp. 6, 51, 66.

Madison M. Walden and Orlando H. Manning were the only Lieutenant Governors in Iowa to resign the office. Two others — Nicholas J. Busch and John Scott — accepted other offices during their term.

<sup>41</sup> *Senate Journal*, 1890, pp. 76, 77.

<sup>42</sup> *Senate Journal*, 1900, pp. 72, 73.

<sup>43</sup> *Senate Journal*, 1904, pp. 62, 63.

Governor and it became the duty of the President *pro tempore* to act in his stead.<sup>44</sup> In 1911, 1915, and 1919 the practice of formally presenting the reelected President to the Senate was resumed.

## IV

## EXTRA SESSION PRESIDENTS

The rules adopted by the Territorial Council at its first session provided that the President should "hold his office during one session of the Council."<sup>45</sup> Later, in the Senate, the wording was changed to read, "during the session of the Senate at which he was elected."<sup>46</sup> These provisions were interpreted in the early days as not including extra sessions. Thus at each of the four extra sessions of the period prior to 1857 a new election was held for President; and at the first three of these extra sessions the presiding officer of the regular session was not reelected. There was apparently no thought of his right to recognition by re-election. The first extra session was that of the Second Legislative Assembly which was held in July, 1840. Although Stephen Hempstead had been the presiding officer in the regular session, James M. Clark was now elected on the eighth ballot to fill the chair — his chief opponents being Jesse B. Browne, President in the first regular session, and Jonathan W. Parker, who was later elected President at the fourth regular session.

In the extra session of the Sixth Legislative Assembly, Francis Gehon was elected to take the place of his colleague, Thomas Cox, from the Dubuque-Jackson district. In this instance it happened that a General was promoted to the position which had been held by a Colonel. Again,

<sup>44</sup> *Senate Journal*, 1909, p. 15.

<sup>45</sup> *Council Journal*, 1838-1839, p. 16.

<sup>46</sup> *Senate Journal*, 1846-1847, p. 327.

in the extra session of the First General Assembly, Thomas Hughes was elected to occupy the chair from which Thomas Baker had made rulings at the regular session. Indeed, Baker almost lost his seat at the extra session of 1848. At the August, 1847, election he had been elected prosecuting attorney for Polk County—an office which he continued to hold.<sup>47</sup> There may be some question as to whether President Baker failed to be reelected at the extra session because of this situation; but the possibility that such was the case, together with its relation to a similar situation in 1861, makes it worthy of mention in this connection.

On the third legislative day of the extra session of 1848 the following resolution was offered, considered, and adopted:

WHEREAS, It is represented that the seat of the former member of the Senate from the counties of Marion, Polk, Dallas, and Jasper, has, since the adjournment of the General Assembly in February last, become vacant in consequence of the acceptance, by that gentleman, of a lucrative office, therefore,

Resolved, That a committee of three be appointed with power to send for persons and papers, to investigate the facts of the case, and to report to the Senate at an early day.<sup>48</sup>

The report of the committee, submitted a week later and adopted by a vote of eleven to seven, allowed Mr. Baker to retain his seat. A distinction was made by the committee between ineligibility and disqualification. They decided that had Mr. Baker held the office of prosecuting attorney at the time of his election, the election would have been invalid; but the acceptance of the office after election did not disqualify him. "If the gentleman", they argued, "whose case we are now considering had held a lucrative

<sup>47</sup> Senator John M. Whitaker of Van Buren almost lost his seat at this same session.—*The Annals of Iowa*, Vol. XI, p. 599; *Senate Journal*, 1848, pp. 14, 56.

<sup>48</sup> *Senate Journal*, 1848 (Extra Session), pp. 13, 14.

office at the time of his election, but had resigned afterward, could he have been received as a member of this body? By no means. He would have been ineligible. The election would have been a nullity, which nothing but another election could have remedied. If the subsequent removal of a disqualifying circumstance will not do away with the ineligibility contemplated by the constitution, its subsequent occurrence can not create that ineligibility."

These Senators were of the opinion that the adoption of the resolution would be "a violation of the constitution, unauthorized by any law whatever, and entirely without a precedent in the proceedings of legislative bodies. The seat of a member who possesses the necessary qualifications at the time of his election can, during the term for which he may have been elected, become vacant only by death, resignation, or expulsion. These are the only contingencies under which a seat can be declared vacant. That Mr. Baker was duly elected a member of this body is fully shown by the proceedings of the last session, when the committee on the credentials of members reported him as duly elected, and that he was thus duly elected is not denied by any one. It is not contended that he is dead, has resigned, or has been expelled, or that any reason for his expulsion exists. Legislative bodies have sometimes declared a seat vacant when they have ascertained that there was no fair or legal election by the people, or where the person receiving the greatest number of votes was not at the time eligible to the office, but never, so far as your committee has been able to ascertain, have they done so when there has been an election and no death, resignation, or expulsion." Could a member, they asked, be expelled by a mere majority vote for having been elected a prose-



cuting attorney, when it would take a vote of two-thirds of the members to expel him for a most heinous crime?<sup>49</sup>

It is possible that Thomas Baker would have been re-elected had it not been for this occurrence. At the next extra session—that of the Fifth General Assembly—Maturin L. Fisher, the popular President during the regular session was unanimously reëlected. He had been one of the most successful chairmen, and was described as “a most courtly officer and gentleman, overflowing with kind amenities. No member, however distraught, could rebel against his rulings. He was then verging upon sixty, with a fine presence and paternal air.”<sup>50</sup>

The Constitution of 1857 definitely states what shall be the term of the Lieutenant Governor. “The official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified.”<sup>51</sup> The term of the Lieutenant Governor as *ex officio* President of the Senate would be the same; and yet in the first extra session under the new Constitution the Lieutenant Governor did not preside over the Senate since he was disqualified by another provision of the Constitution. The Constitution provides that “no person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor, or Lieutenant Governor.”<sup>52</sup> And so, on May 15, 1861, Lieutenant Governor Nicholas J. Rusch called the Senate of the extra session of the Eighth General Assembly to order and stated that “as he had been appointed to the office of Commissioner of Emigration, he had doubts as

<sup>49</sup> *Senate Journal*, 1848, pp. 35, 36.

<sup>50</sup> *Iowa Historical Record*, Vol. I, p. 86.

<sup>51</sup> *Constitution of Iowa*, 1857, Art. IV, Sec. 15.

<sup>52</sup> *Constitution of Iowa*, 1857, Art. IV, Sec. 14.

to his constitutional rights to exercise the functions of Lt. Gov. and President of the Senate, and that he would not therefore act in that capacity until those doubts were removed.<sup>53</sup>

This statement opened a controversy which lasted throughout the greater part of the session and prevented Mr. Rusch from presiding. After stating the situation in which he found himself, the President called Senator James F. Wilson to the chair. Mr. Wilson retained the position throughout the session, being recognized as President *pro tempore* and receiving the extra compensation which would normally have gone to the Lieutenant Governor.<sup>54</sup> On the same day that the Senate convened, "on motion of Mr. Davis of Polk, the question of the right of Hon. N. J. Rusch, to preside over the Senate, was referred to the Attorney-General for his opinion."<sup>55</sup> The following communication from the Attorney General was read to the Senate on the second day of the session, May 16, 1862:

Office of Attorney General,  
May 15, 1861.

*To the Honorable Senate of the State of Iowa:*

Through your Secretary I am advised that the Senate has requested my opinion upon the matter of the right and duty of Hon. Nicholas J. Rusch to exercise the functions of Lieutenant Governor as President of your Honorable Body.

I am advised by the note of the Secretary that Mr. Rusch has heretofore been appointed Immigrant Commissioner under the Act of the General Assembly of 1860, and has accepted of said appointment and entered upon the duties of said Commission.

Art. 4, Sec. 14, of the Constitution of the State of Iowa, provides that "No person shall, while holding any office under the authority of this State, execute the office of Governor or Lieutenant Governor."

<sup>53</sup> *Senate Journal*, 1861 (Extra Session), p. 3.

<sup>54</sup> *Senate Journal*, 1861 (Extra Session), pp. 3, 97, 112.

<sup>55</sup> *Senate Journal*, 1861 (Extra Session), p. 3.

If the Commission created by the act of 1860 is an office within the meaning of this provision of the Constitution it would seem clear that the acceptance of the same by the Lieutenant Governor would necessarily disqualify him from exercising the functions of Lieutenant Governor, and that having disqualified himself for executing the office of Lieutenant Governor by his own act, the office would become vacant by operation of law. Having once vacated the office the incumbent could not again resume the exercise of its duties unless re-elected in the manner provided by law.

The Act of 1860 provides for the appointment of a Commissioner of Immigration by the Governor of the State, by and with the advice and consent of the Senate; fixes the term of his office at two years; provides an annual salary for his compensation, and makes it the duty of the Governor to remove the incumbent for "inefficiency and misconduct."

The duties of the Commissioner do not relate to the administration of the law, and are not within the ordinary scope of Judicial or ministerial functions. But our Legislature has seen fit to create many offices in connection with the Educational and Agricultural interests of the State, and every department of our government has recognized these auxiliaries to the public welfare as legitimate subjects of Legislation. This office of Immigrant Commissioner would seem to be of the same general character, and requires the exercise of important duties involving the material interests and prosperity of our State.

Our law writers define an office to be "the right to exercise a public function or employment and to take the fees belonging to it."

The act creating this commission, I think, very properly calls it an office, and I am unable to see any distinction between this and other public offices which would render the spirit or letter of the Constitutional provision before cited inapplicable to it.

It is made the duty of the Governor to remove the Commissioner in case of inefficiency or misconduct.

The Lieutenant Governor upon the happening of a single contingency, may become the Governor of the State. If he may be Commissioner and Lieutenant Governor he may also be Commissioner and Governor. How then could he exercise the public trust of removing himself from office?

It would seem, indeed, that the provision of the Constitution has a peculiar applicability in such a case as this.

I am of the opinion that the acceptance and exercise of the office of Immigrant Commissioner by one holding the office of Lieutenant Governor necessarily created a vacancy in the latter office.

Very Respectfully, Submitted,

CHARLES C. NOURSE.<sup>56</sup>

Thus did the Attorney General of the State decide that the Senate had no President. His communication was laid on the table, and not until May 27th was it taken up for consideration. At that time Senator John W. Thompson offered the following resolution:

*Resolved*, That in the opinion of the Senate the Hon. Nicholas J. Rusch is not disqualified to discharge the duties of his office as Lieutenant Governor, by reason of his having assumed the discharge of the duties of "Commissioner of Immigration," and that Lieutenant Governor Rusch be requested to resume the President's Chair.<sup>57</sup>

Upon motion of Mr. Thompson the opinion of the Attorney General and the resolution were referred to the Judiciary Committee with instructions to report as soon as possible. On the following day the Judiciary Committee was ready with both a majority and a minority report. Senator Lucien L. Ainsworth submitted the majority report, which read as follows:

The undersigned, a majority of the Judiciary Committee would respectfully report that they have had under consideration the opinion of the Atty. General, with regard to the right of N. J. Rusch to act as Lieut. Governor, also the resolution upon the same subject referred to them and they find that the said N. J. Rusch is entitled to the office of Lieut. Governor.

In the opinion of the undersigned, the position of emigrant agent is not an office within the meaning and purview of the Constitution. The Governor is by law made one of the trustees of the Agricultural College, which is termed an office, but no sensible man would claim that he was thereby disqualified from acting as Governor, or that

<sup>56</sup> *Senate Journal*, 1861 (Extra Session), pp. 15, 16.

<sup>57</sup> *Senate Journal*, 1861 (Extra Session), p. 75.

a vacancy was created in the office of Governor. Even if the position of emigrant agent were an office as is claimed by the Attorney General, then the acceptance of that office by the Lieut. Governor was illegal, but no vacancy was created in the office of Lieut. Governor. We therefore recommend the adoption of the resolution referred to said committee.

L. L. AINSWORTH,  
D. S. WILSON,  
JNO. W. THOMPSON,  
M. L. MCPHERSON.<sup>58</sup>

Mr. J. W. Rankin from the same committee submitted the minority report, dissenting from the majority report, in these words:

The undersigned, members of the Judiciary Committee to whom was referred the resolution introduced by Senator Thompson, report: The resolution contains two propositions:

1st—Nicholas J. Rusch is not disqualified to discharge the duties of his office as Lieut. Governor, by reason of his position as Commissioner of Immigration.

2d—Nicholas J. Rusch is invited to resume the President's chair.

They do not deem it necessary to discuss the second proposition. Nicholas J. Rusch was elected Lieutenant Governor by a large majority of the voters of the State. He became constitutionally the President of the Senate, and as such officer he discharged his duties with great fidelity, impartiality and signal success. If it rested with them to invite Nicholas J. Rusch to resume his seat as President of the Senate, and nothing beyond, they would not hesitate for a moment. So far as they have been subject to his powers and directions as an officer of the Senate, they have been highly delighted with his conduct. They do not however regard such matters as submitted to them. They are called on to consider a single legal proposition, or constitutional question.

The Constitution provides, Article 4, Section 14:

"No person shall, while holding any office under the authority of the United States, or of this State, execute the office of Governor or Lieutenant Governor, except as hereinafter provided."

<sup>58</sup> *Senate Journal*, 1861 (Extra Session), p. 94.

They believe that any person holding any office by virtue of National or State authority is incapacitated for qualification to the office of Lieutenant Governor.

They believe that any person accepting, qualified and entering on the discharge of the duties of such office, cannot longer execute the office of Lieutenant Governor.

If either of these propositions is correct, both are.

It is not asserted that a person is ineligible to the office of Lieutenant Governor, who holds an office by authority, &c., but that such a person *cannot execute the office*. The provision is a limitation on the power or capacity of an individual, or the absolute constitutional denial of the power of any individual to discharge any function of the Lieutenant Governor, while holding any office as provided. The object, doubtless, is to prevent the concentration of too much official power in the hands of one person, and to secure the time and intellect of the incumbent in any one office, in the discharge of the obligations involved.

The law passed March 30th, 1860, providing for a Commissioner of Immigration, requires him to hold *his office* for two years from the first day of May thereafter, and he shall reside in the City of New York at least from the first day of May until the first day of December of each year, which office shall be kept open at all reasonable hours, &c.

The Commissioner is to receive a salary, have office rent paid, &c.

This very law establishing this office for two years, requires the Lieutenant Governor—being Commissioner—to reside in the City of New York at this very time.

The law creates a new office, a new bureau in Government policy for the sake of advancing a material interest, and the agricultural prosperity of the State. It is an office in every sense of the term. It as much requires the time, attention and mind of the occupant as the office of Senator, or Representative, or any other State officer.

Every reason that applies to the office of Senator, applies to the office of Immigrant Commissioner: indeed the reasons are stronger as to the latter office than the former, as the office of Commissioner practically exiles from the State the occupant.

They believe in giving a construction to the section of the Constitution cited, that at least, as doubts exist as to the power of Nicholas J. Rusch to execute the office of Lieutenant Governor, he

being the incumbent of the office of Immigrant Commissioner, and now, in contemplation of law, a resident of the City of New York.

J. W. RANKIN, Chn.

L. G. PALMER,

W. E. TAYLOR.<sup>59</sup>

By a yea and nay vote both reports were laid on the table, and on the next day the General Assembly adjourned.<sup>60</sup>

When the General Assembly met in regular session in 1862 N. J. Rusch, acting as Lieutenant Governor and President of the Senate, called the Senate to order on the opening day and served in his official capacity until his successor was inaugurated.<sup>61</sup> Was Mr. Rusch the President of the Senate or was he not? The answer to this question appears uncertain; but there is no doubt that the Senate did actually exercise the power of determining who should preside. Whether this power could have been upheld against the will of the Lieutenant Governor was not determined.

<sup>59</sup> *Senate Journal*, 1861 (Extra Session), pp. 95, 96.

<sup>60</sup> A similar situation arose in the Senate in 1870. John Scott had been Lieutenant Governor during the preceding biennium. Madison M. Walden had been elected to succeed him, and would act as President of the Senate as soon as inaugurated. On the opening day, Scott called the Senate to order and "remarked that he had, since the last meeting of the General Assembly, accepted a Federal appointment—that of Assessor of Internal Revenue of the District in which he resided, and that by virtue of the Constitution of the State, which provides that no person holding an appointment from the Government of the United States, should be eligible to exercise the functions of an officer of any State, he considered himself debarred from exercising any authority in the present General Assembly. And while he could not congratulate them in an official capacity, he would personally congratulate them on the auspicious circumstances under which they met. He closed by requesting them to elect some Senator to the Chair to officially call the Senate to order." Senator Grenville G. Bennett was elected to act as President *pro tempore* until the inauguration of the new President.—*Senate Journal*, 1861 (Extra Session), pp. 96, 115; *Iowa State Register* (Weekly, Des Moines), January 12, 1870; *Senate Journal*, 1870, p. 3.

<sup>61</sup> *Senate Journal*, 1862, pp. 3, 36, 46.

In the extra sessions of 1862, 1897, and 1908, as well as in the adjourned session of 1873, the Lieutenant Governor presided over the Senate without any question of right or authority being raised.

## V

## CONTESTED ELECTIONS

The only contest of any length over the election of a President during the period prior to 1857 was in the Sixth Legislative Assembly in 1843-1844. It had, it is true, taken six ballots to elect John D. Elbert in the Fifth Legislative Assembly, eight to elect James M. Clark in the extra session of the Second Legislative Assembly, ten to seat Stephen Hempstead in the Second Legislative Assembly, and sixteen to elect Maturin L. Fisher in the Fifth General Assembly; but none of these elections extended over any considerable period of time. Clark was elected on the second day, Elbert on the third, and Hempstead and Fisher on the fourth day of the session.

The regular session of the Sixth Legislative Assembly met in Iowa City on Monday, December 4, 1843. Colonel Cox succeeded in staving off the balloting for President until Thursday, December 7th, when his colleague from Dubuque, General Gehon, was expected to be present. Thursday arrived, but General Gehon was still absent. Indeed there is no mention of him in the *Senate Journal* prior to January 5th. He was probably absent until after the holidays, since after thirteen ineffectual ballots on Thursday and Friday, December 7th and 8th, in which the Council stood evenly divided, the "election of President of the Council was postponed to the 2d Tuesday of January next."<sup>62</sup>

Balloting was again resumed on Tuesday, January 9,

<sup>62</sup> *Council Journal*, 1843-1844, p. 16.



1844; and on January 11th, Thomas Cox was elected on the thirty-first ballot by a bare majority. While the contest started between Francis Springer and Joseph B. Teas, the votes cast on the final ballot were for William H. Wallace and Thomas Cox.<sup>63</sup> Both Springer and Teas withdrew their names during the contest — Springer doing so toward the last in order to throw his support to Teas, whose election he thought more probable than his own. There were occasions when an election might have been effected if a candidate had been permitted to refrain from voting or had voted for himself.<sup>64</sup>

After 1857 there could be no contested elections in the Senate since the President took the chair *ex officio*; but the contested elections for Speaker of the House in 1874 and 1890 made it impossible for the Lieutenant Governor to be inaugurated at the opening of the session which meant that he could not enter upon his duties as President as soon as he otherwise would have done.

## VI

### DUTIES, POWERS, AND PRIVILEGES

In many ways the President of the Senate in Iowa is the counterpart of the Speaker of the House of Representatives. While he might not be expected to be so closely connected with the body over which he presides, since he is theoretically a member of another branch of the government, yet in effect he is just as much an integral part of the law-making body as is the Speaker. He, too, occupies the dual position of parliamentary moderator and party leader within the Senate. In the scheme of government as outlined by the framers of the Constitution of the United States the President of the Senate is designed as moder-

<sup>63</sup> *Council Journal*, 1843-1844, p. 65.

<sup>64</sup> *Council Journal*, 1843-1844, p. 59.

ator only — and in Congress he is little else. In Iowa, however, the Presidents of the Senate have not always confined themselves to the routine duties of the chair.

The position of the President of the Senate is the outcome of natural developments, and whatever party influence he exerts is largely the result of political evolution. Indeed, some Presidents have considered it their only duty to preside: they have refused to lend their influence to the party by which they have been chosen. Thus President Warren S. Dungan upon assuming the chair announced: "In the discharge of my official duties as your presiding officer, I will endeavor as far as possible to divest myself of all partiality and favoritism. To know no party, no section and no interest above another."<sup>65</sup>

The President receives communications addressed to the Senate and receives and announces messages and reports from State officers and from the other house of the General Assembly; he receives resignations of members and employees; he receives guests in the Senate chamber; he represents the Senate at public ceremonies; and on various occasions he is the official mouthpiece and representative of the Senate.

In 1897 Lieutenant Governor Matt Parrott who had fathered the law under which an investigation was being conducted was called as an individual to testify before a House investigating committee.<sup>66</sup>

The orders and directions of the Senate are carried out by the President. In 1906 the President congratulated a Senator on behalf of the Senate.<sup>67</sup> He issues warrants for the arrest of offenders against the Senate.<sup>68</sup> He has

<sup>65</sup> *Senate Journal*, 1894, p. 22.

<sup>66</sup> *The Iowa State Register* (Weekly, Des Moines), April 2, 1897, p. 1.

<sup>67</sup> *Senate Journal*, 1906, p. 2.

<sup>68</sup> *Senate Journal*, 1873, p. 257.

charge of such ceremonies in the Senate as the selection of seats. He appoints several of the Senate employees, and supervises the work of and may remove many others. To-day he appoints the Lieutenant Governor's clerk, the Lieutenant Governor's messenger, the telephone messenger, the doorkeepers' page, and the six Senate pages; and he may fill any vacancies that occur.<sup>69</sup> He certifies to the time of Senate employees. All documents, acts, orders, and resolutions of the Senate must have his signature; and all writs, warrants, and subpoenas issued by order of the Senate are under his hand and seal.

The compensation of the President of the Senate is fixed at "the same mileage and double the per diem pay provided for a Senator, and none other."<sup>70</sup> Thus, he is now entitled to two thousand dollars per session, and mileage in addition. This was also the general rule of compensation during the period before 1857. The Lieutenant Governor, as such, receives no salary.

Parliamentary duties of the President of the Senate are those usually incident to such an office. The Constitution requires that the President shall sign all bills passed by the two houses, and the rules require that they be signed in the presence of the Senate. By statute he is required to preside in joint convention of the two houses. During the period prior to 1857 there were two notable exceptions to this practice. In a joint convention during the First General Assembly the Speaker of the House stubbornly refused to relinquish the chair and presided throughout the meeting.<sup>71</sup> In a packed convention of the Fifth General Assembly, when the President and several other members of the Senate refused to attend, the Speaker of the House pre-

<sup>69</sup> *Senate Journal*, 1917, p. 125; *Senate Rules*, 1917, Rule 4.

<sup>70</sup> *Constitution of Iowa*, 1857, Art. IV, Sec. 15.

<sup>71</sup> *Senate Journal*, 1846-1847, p. 61.

sided, and a Senator was elected to act as President *pro tempore*.<sup>72</sup> Occasionally some visitor is honored by being allowed to preside in joint convention. Thus in 1897 Susan B. Anthony presided over a joint convention of the Iowa General Assembly.<sup>73</sup> In November, 1908, during the extra session of the Thirty-second General Assembly, President *pro tempore* James A. Smith of the Senate and Speaker Nathan E. Kendall shared honors in presiding in joint convention.

Very many routine duties in the way of ordinary business fall to the President of the upper house. He preserves order and decorum, administers oaths, clears the house for executive sessions, and formally opens and closes the sessions.<sup>74</sup> He directs the order of business, recognizes members seeking the floor, and decides points of order—subject to appeal by the house. Courteous treatment must be given the presiding officer. Indeed, in early years when a member had been recognized and had the floor no one was permitted to walk between him and the President.

The power of recognition is one of the greatest in the province of the President of the Senate; and by its use he may accomplish much in the way of shaping legislation. In a body the size of the Iowa Senate it is ordinarily not difficult for any member to secure recognition, but in times of stress the power of recognition can be used to advan-

<sup>72</sup> This was really caused by the obstruction policy of the majority party in the Senate. They refused to meet in joint convention. In this particular instance they hastily adjourned while a messenger from the House was delivering his message that the House was ready to meet them in joint convention. "He was answered by the affable President of the Senate, still in his chair, that the Senate had just adjourned."—*Iowa Historical Record*, Vol. I, p. 88; *House Journal*, 1854-1855, pp. 184, 187; *Senate Journal*, 1854-1855, p. 122.

<sup>73</sup> *The Iowa State Register* (Weekly, Des Moines), February 5, 1897, p. 1.

<sup>74</sup> Theoretically actual adjournment can not take effect without formal announcement thereof by the presiding officer. Upon one occasion the Senate was declared adjourned while the Senator speaking yet retained the floor.—*Senate Journal*, 1906, p. 785.

tage. President Eastman in 1864 announced that he would not recognize members for the purpose of talking treason.<sup>76</sup> President Joseph Dysart in 1874 "in his official capacity as President of the Senate" rendered the Iowa State College of Agriculture "valuable service when a vindictive warfare was waged against it before the Legislature."<sup>76</sup>

Closely connected with the power of recognition is the authority of determining a quorum. Lieutenant Governor Alfred N. Poyneer was the first Senate President in Iowa to make use of the "Reed rule" in this matter. In 1892, in order to break a deadlock in the Iowa Senate, he held that "a quorum being present, a majority of those voting had the power to elect officers, or to transact any ordinary business"; and he exercised "the ruling of Speaker Reed . . . in counting a sufficient number of Democrats 'present and not voting' to constitute a quorum."<sup>77</sup>

Another instance of the influence of the President of the Senate is in the case of the adoption of the rule with regard to reference and committee action and report on appropriation bills in the Senate. It was at the insistence of President Herriott that the Senate adopted this rule (then No. 19) in 1904 "in order to secure more careful consideration of the finance bills incorporated in the biennial budget."<sup>78</sup> Lieutenant Governor Herriott was throughout very fair in his official actions, and his influence was constructive rather than partisan. "Although a strong partisan in national and state politics Mr. Herriott did not allow his party zeal to control him in his presidential decisions from the chair. He early secured the complete confidence of the democrats that he would accord them im-

<sup>76</sup> *Senate Journal*, 1864, p. 65.

<sup>76</sup> *The Annals of Iowa* (Third Series), Vol. I, p. 238.

<sup>77</sup> *The Iowa State Register* (Weekly, Des Moines), January 22, 1892.

<sup>78</sup> *The Stuart Herald*, October 4, 1918.

partial and just decisions. The result was that they became his earnest supporters in any matter for the general good that he sought to get considered; and he never suffered embarrassment from petty maneuvering and filibustering such as is almost certain to embarrass a presiding officer in such an assembly if he alienates any considerable portion by arbitrary or grossly partizan decisions. The formal words of farewell had a ring of earnest good will when he laid down the gavel for the last time."<sup>79</sup> Because of the adoption of the constitutional amendment providing for biennial elections, Mr. Herriott's term of office was extended which made his the longest term of service of any in the long list of Lieutenant Governors.

At the session of the Twenty-fourth General Assembly an interesting situation in relation to the President of the Senate was developed. The retiring Lieutenant Governor was A. N. Poyneer, a Republican; and the newly-elected Lieutenant Governor was Samuel Bestow, a Democrat. Since the Senate was evenly divided on party lines, the vote of the President in case of a tie might mean much in party politics. A violent contest for the position of Secretary of the Senate complicated and intensified the rivalry between the parties. As long as permanent organization was postponed the new President could not take the chair. Finally, by invoking the "Reed rule" the Republican chairman declared the Republican candidate elected permanent Secretary. One Republican bolted on the election of the other officers and a permanent organization was effected; but as soon as the new President was sworn in, the Democrats by the aid of his vote, ousted the Republican Secretary and elected the Democratic candidate in his place.<sup>80</sup>

<sup>79</sup> *The Stuart Herald*, October 4, 1918.

<sup>80</sup> *Senate Journal*, 1892, pp. 7, 15, 21, 37, 38, 40.

Points of order are decided by the President, subject to appeal to the Senate. Appeals in the Senate are much less common than in the House. Sometimes a President will submit a written ruling on some mooted point, even when there has been no appeal.<sup>81</sup> A long list of precedents and authorities was cited by President William L. Harding in making a ruling in 1915.<sup>82</sup> Especially interesting from this standpoint, as well as from the aspect of the status of the President in the body, is the statement of President Ernest R. Moore in the session of 1919. He had been forced by the principles of parliamentary law to rule against the consideration of a bill providing for a State emblem, and his decision had been appealed from. President Moore made the following statement:

Every senator here has, during his service in this chamber, the right to rise, gain the recognition of the Chair, and speak from the standpoint of personal privilege. It is not within the province of the Chair to do so but for just a moment he is going to assume it.

This is the close of my second session as presiding officer and it is the first time that an appeal has been taken from my decision. I want to assure the senators who voted for sustaining the decision and those who voted against that I concede to them the right of conscientious action. I believe they voted their convictions.

I want to say this, however; you men have differences of opinion as to the value of this measure. I am not here as a legislator. I am here as a state officer who is ex-officio, the presiding officer in this body. I have no voice in legislation. I am not expected to either shape or influence it and I can say to you truthfully that I have not attempted to do so. Unfortunately in many cases he who sits in this chair is like the innocent bystander and "gets the brick."

May I be permitted to say that it has been to me a matter of very great regret that I was compelled to rule today against the consideration of a measure in which I have a very great personal interest. Had I been privileged to sit on the floor of the senate

<sup>81</sup> *Senate Journal*, 1911, pp. 336, 337.

<sup>82</sup> *Senate Journal*, 1915, p. 1041.

rather than where I now stand and had been privileged to have a vote it would have been a very great pleasure to have supported this measure, introduced and supported, as it was, by a Society of which many of my relatives are members and in which I personally have a very great interest.

I trust that I have not transgressed either in the matter of good taste or the privileges of this senate in making this brief statement.<sup>83</sup>

Such a statement from the chair is very rare. But no one will deny that it was both appropriate and in good taste. No one but a purist would object to this sort of participation in legislation by the President. Appeals made through zeal for a measure and without a substantial basis in parliamentary procedure have no justification. They are an injustice to the presiding officer.

All committees, standing and special, are appointed by the President, unless otherwise specified by the Senate. In 1858 under the first Lieutenant Governor there was an attempt to curtail the power of the President to appoint committees; but the effort was unsuccessful. There seem to be no compelling reasons, however, for conferring this power upon the Lieutenant Governor. He comes to the Senate *ex officio*, sometimes with no legislative experience, and usually unacquainted with Senate conditions and traditions and unable to properly judge the members. Thus his appointment of committees has come to be a party action, in which he is advised by leading Senators.

Heed has not always been paid to the principle of seniority in committee appointments: radical changes and indiscriminate shifting occur each session. In the early extra sessions the committees were entirely made over. In 1843-1844, when the President was not elected until after the holiday recess, the standing committees were appointed by the organization chairman. Later when Thomas Cox was

<sup>83</sup> *Senate Journal*, 1919, pp. 1416, 1417.



elected to preside his appointments on committees were transferred to the organization chairman.<sup>84</sup>

Various Presidents have taken occasion to explain their appointments. Lieutenant Governor Frank T. Campbell in 1878 made the following statement:

In framing these committees I have consulted first, the public interest, and yet sought, as far as practicable, to assign each individual member to such positions as his experience and qualifications adapt him, and where his labors can best be applied. I have also sought, in making up committees, to look after the different State institutions, to divorce, as far as possible, these institutions from all personal or local interest, and to recognize them as "the institutions of the *State*," believing that the interests of all these great humane and benevolent enterprises are identical, and their welfare desired by all.<sup>85</sup>

President George W. Clarke submitted the following in announcing his assignment of members to committees:

It has been suggested with reference to several committees having to do with special interests, such as, to illustrate, banks, telephones and the like, that of course the custom of placing all bankers on the committee on banks, and all senators interested to any extent in the telephone business on the committee on telephones, would be followed. I have not felt that I could do that. It is a fundamental fact in human nature that a man, or a combination of men, will look after and develop personal interests as against the interests of others. Their own business would be the matter of primary importance and legislation promotive of it would receive all possible encouragement. On the other hand, the public needing legislation in its behalf as against any particular interest would have little, or no show at all in a committee made up entirely of men in that particular line of business. The public must have representation here and I felt that it would be a plain violation of duty if I failed to see, so far as I could, that no question of legislation should be tried out before a packed jury directly and pecuniarily interested in the verdict. No particular line of business

<sup>84</sup> *Council Journal*, 1843-1844, pp. 17, 66.

<sup>85</sup> *Senate Journal*, 1878, p. 21.

should control any committee. Senators engaged in a particular work or business or interest should be on the committee to consider matters touching it, because of their expert knowledge and experience, but there should not be enough of them to control it. So far as I have had knowledge of the facts I have so constructed these committees. Senators, therefore, will understand that their absence from such committees is not because of want of appreciation on my part of fitness but only because of my belief that my public duty requires me to so construct these committees.<sup>86</sup>

President Warren S. Dungan was especially successful in his committee appointments. His remarks upon announcing them are peculiarly happy:

The indirect legislative power devolving on the presiding officer is in the formation of the standing committees. This is the most difficult and perplexing duty devolving upon him. My purpose has been to deal fairly with all parties, with all localities and with all contending interests. I have done the best I could. I do not indulge the hope that I have satisfied the just ambition of every member, nor that I have fully recognized the true ability of each. Indeed, I think that would be impossible. There are fewer chairmanships than there are worthy members to fill them. Here "there is not room for all at the top." Former legislative service and standing on committees must have recognition. Mistakes are more liable to occur with new members. It would be strange indeed if they did not.<sup>87</sup>

That Mr. Dungan was successful in his position as President there can be no doubt. "If ever the senate had a presiding officer who was generally liked", declared an Iowa editor, "it is Lieut. Gov. Dungan. The Republican convention made no mistake when it nominated the senator from Chariton. He has shown a strong grasp of mind. He is keen, quick-witted, and discriminating, and above all things very fair. Every one praises his impartiality. He set that high mark when he appointed his committees, and he has

<sup>86</sup> *Senate Journal*, 1909, pp. 67, 68.

<sup>87</sup> *Senate Journal*, 1894, p. 22.

never departed from it. Mr. Dungan is all right, and he looks eminently in place in the presiding officer's chair."<sup>88</sup>

When he announced the committees to the Twenty-ninth General Assembly, President John Herriott submitted a suggestion regarding a re-arrangement of the committees in the matter of their rank, stated the reasons for certain changes and additions made both in the number and names of committees and in the number of members on certain committees, and indicated the purpose in view in the make-up of some of the committees. He suggested that the committees should be arranged in groups comprising those assigned related subjects, with group following group in the order of relative importance. Some of the committees, he announced, were purposely composed to secure the enactment of legislation endorsed by the party convention.<sup>89</sup>

The President of the Senate also has the power of referring bills to the appropriate committee — and this gives him an opportunity to influence their course.

Prior to 1857, whenever the Senate went into Committee of the Whole, the President resigned the chair and was allowed to debate as a member. To-day the President does not speak from the floor; and he votes only in case of a tie.

## VII

### FORMALITIES AT CLOSE OF SESSION

In the Senate the closing days of each session have been marked by a vote of thanks tendered to the presiding officer for the able and impartial manner in which he has presided. These resolutions, although conventional, are usually sincere. The final vote of thanks is usually given the unanimous support of the members of the Senate. Occasionally, however, some disgruntled member balks. Thus

<sup>88</sup> *The Iowa State Register* (Weekly, Des Moines), March 2, 1894.

<sup>89</sup> *Senate Journal*, 1902, pp. 58, 59, 60.

in the Fourth Legislative Assembly one member was excused from voting.<sup>90</sup>

Since 1857 the ceremony of voting thanks to the President has been frequently transferred to the beginning of the next session, when the Lieutenant Governor retires from office and surrenders the gavel to the newly elected President.

It is customary to present the retiring President with the chair he has occupied, the gavel he has used, or with other valuable gifts.<sup>91</sup>

## VIII

### THE PRESIDENT PRO TEMPORE

Provision was early made in the rules of the Senate that in the absence of the President, a President *pro tempore* could be elected by the Senate. Down to 1857 there was no real necessity for such an office, so regular were the early Presidents in performing their duties as moderator. Only occasionally was a substitute elected for the session. In the last session of the period, that of the Sixth General Assembly in 1856-1857, the President was absent on the day of adjournment for holiday recess and a President *pro tempore* was elected.<sup>92</sup> Francis Springer served a month as President *pro tempore* during the contest of 1843-1844. As a rule the presiding officer was on hand, and the only opportunity given the ordinary member to preside was when the body went into Committee of the Whole.

To-day the President *pro tempore* is elected regularly at the beginning of each session. Previous to the session of

<sup>90</sup> *Council Journal*, 1841-1842, p. 246.

<sup>91</sup> Jesse B. Browne, who presided in the first Council did not receive pay therefor until after the Second Legislative Assembly had convened.—*Council Journal*, 1839-1840, p. 144.

<sup>92</sup> *Senate Journal*, 1856-1857, p. 173.

the Thirty-fifth General Assembly it was the custom to name the chairman of the Senate Ways and Means Committee as President *pro tempore*. Senator James A. Smith of Mitchell County had a remarkable career as President *pro tempore* of the Iowa Senate. He served continuously from 1904 to 1913.

CYRIL B. UPHAM

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

## SOME PUBLICATIONS

*The Frontier State, 1818-1848.* By Theodore Calvin Pease. Springfield: The Illinois Centennial Commission. 1918. Pp. 475. Plates. This is the second volume of *The Centennial History of Illinois* edited by Clarence W. Alvord and published by the Illinois Centennial Commission. As the title indicates, Mr. Pease takes up the history of Illinois at the time of its admission as a State, thus continuing the narrative from the period described by Mr. Solon J. Buck in his introductory volume on *Illinois in 1818*.

Among the topics discussed by the author are the following: the organization of the State government, finance, the Indians in Illinois, banking, political conditions, the Mormons, the slavery question, and the social advance. Ten of the twenty-two chapters deal almost exclusively with the political aspects of State history, while only one chapter is devoted to the social, religious, and educational changes during this period. Indeed, it appears that the writer has discussed the events of the period largely from the political standpoint, which is doubtless justified by the interest in politics during this time. The book is interesting and is furnished with notes, a bibliography, and an index. It is to be regretted that this volume is not uniform in size and binding with the "introductory volume".

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The eleventh number of the series, *Writings on American History*, compiled by Grace Gardner Griffin for the year 1916, has recently been published by the Yale University Press.

Bulletin fifty-nine of the Bureau of American Ethnology is devoted to a monograph on *Kutenai Tales*, by Franz Boas.

The Carnegie Institution of Washington has issued the *Annual Report of the Director of the Department of Historical Research* for the year 1918.

The February number of the *Proceedings of the Academy of Political Science in the City of New York* is devoted to *War Labor Policies and Reconstruction*, edited by Samuel McCune Lindsay. The papers and addresses included deal with the following general subjects: women in industry; labor readjustment problems; wages; the effect of demobilization on labor; and our industrial victory.

*The Catholic Historical Review* for January contains three articles: *Catholic Literary New York*, by Thomas F. Meehan; *The Gallipolis Colony*, by Laurence J. Kenny; and *St. Regis Seminary — First Catholic Indian School*, by Gilbert J. Garraghan.

The *Memoirs of the American Anthropological Association* for October-December, 1918, consists of a monograph, by M. R. F. and H. S. Colton, on *The Little-Known Small House Ruins in the Coconino Forest*.

A monograph by Mary Breese Fuller entitled *In the Time of Sir John Eliot — Three Studies in English History of the Seventeenth Century* constitutes the January number of the *Smith College Studies in History*.

Volume nine of the *South Dakota Historical Collections* contains a number of interesting papers in addition to the reports of the Society. Among the articles are the following: *Fort Tecumseh and Fort Pierre Journal and Letter Books*, abstracted by Charles Edmund DeLand, with notes by Doane Robinson; *Dakota's First Soldiers*, by A. M. English; *Expedition Into Dakota*, by C. Stanley Stevenson; *The Boundaries of South Dakota*, by Stephen Sargent Visher; and *Lewis and Clark in South Dakota*, by Doane Robinson. There are also unsigned papers on "Little Iowa", describing an incident in the history of Iowa; and *Ending the Outbreak*, an account of the closing scenes of the Sioux massacre.

*The Tercentenary of Sir Walter Raleigh's Death*, by Clarence Poe; *The Case of Doctor Cooper*, by Elbert Vaughan Wills; *Lincoln's God*, by Carl Holliday; *Virginia Works and Days, 1814-1819*, by A. J. Morrison; *The Negro and War Savings in North Carolina*, by Kate M. Herring; *Federal Politics in North Carolina, 1824-*

1836, by William K. Boyd; *Paul Hervieu and His Work*, by W. H. Scheifley; *Father Ryan—The Poet-Priest of the South*, by Kate White; and *Conservation and Criminology*, by Edward J. Woodhouse, are the articles found in the January number of *The South Atlantic Quarterly*.

Two of the papers which appear in the January issue of *The Scottish Historical Review* are *Peasant Life in Argyllshire in the end of the Eighteenth Century*, by Mrs. K. W. Grant, and *In Memoriam: Peter Hume Brown*, by C. H. Firth.

A biography of *Spencer Fullerton Baird*, by William Healey Dall, has recently been published by the J. B. Lippincott Company. Mr. Baird was connected with the Smithsonian Institution from 1850 until his death on August 19, 1888. A large number of letters written by Professor Baird or to him by scientists and friends are included in the volume which contains 462 pages.

The first number of series thirty-seven of the *Johns Hopkins University Studies in Historical and Political Science* is a monograph by D. P. Smelser on *Unemployment and American Trade Unions*.

*The American City* for January contains a summary of *Recent City Manager Developments*. Among the many articles in this number, one by E. J. Mehren on *A National Highway Policy and Plan* is of general interest. Three papers in the February number which will be of interest to Iowans are the following: *The Future of Street Cleaning in Fort Dodge, Iowa*, by C. H. Smith; *Hawarden's New Municipal Building*, by Walter Scott; and *Liberty Bonds for Liberty Buildings*, by Henry E. Jackson.

The *Historical Collections of the Essex Institute* for January contains a paper by Francis B. C. Bradlee on *Some Account of Steam Navigation in New England* which is to be continued in the following number.

*Early Cheyenne Villages*, by George Bird Grinnell; *Some Ethnological and National Factors of the War*, by William H. Babcock; and *Indo-Germanic Relationship Terms as Historical*



*Evidence*, by W. D. Wallis, are among the articles included in the *American Anthropologist* for October-December, 1918.

*The American Political Science Review* for February contains the following papers and reviews: *Reconstruction Agencies*, by F. H. Newell; *Administrative Reform in France*, by James W. Garner; *Constitutional Law in 1917-1918*, by Thomas Reed Powell; *Legislative Notes and Reviews*, by Charles Kettleborough; *Judicial Decisions on Public Law*, by Robert E. Cushman; *Foreign Governments and Politics*, by Frederic A. Ogg; and *Notes on International Affairs*, by Charles G. Fenwick.

The winter number of *The American Indian Magazine* contains, among others, the following addresses and papers: *The Indian's Plea for Freedom*, by Charles A. Eastman; *Indian Rights as Guaranteed by Treaties*, by Theodore Frelinghuysen; *A Review of the Indian Citizenship Bills*, by Charles A. Eastman; and *A Protest Against Indian Bureau Control*, by R. H. Pratt.

Reports on the requirements for the degree of Doctor of Philosophy, on pensions and insurance, and a list of the officers and members of the Association make up the January-February number of the *Bulletin of The American Association of University Professors*.

*A Review of Labor Legislation of 1918* makes up the September, 1918, issue of *The American Labor Legislation Review*. In the December number Margaret A. Hobbs writes of *Public Employment Service and War Time Employment of Women*; Solon De Leon discusses the *Year's Developments toward Health Insurance*; and Frederick W. MacKenzie contributes a paper on *Maintenance of Protective Standards*. The papers deal with five general subjects: public employment service; workmen's compensation, including the rehabilitation of war cripples; health insurance; woman's work; and protective labor standards.

*Criminal Responsibility of the Insane and Feeble-Minded*, by Henry W. Ballantine; *Efforts to Abolish the Death Penalty in Illinois*, by James J. Barbour; *War Legislation Against Alcoholic*

*Liquor and Prostitution*, by John G. Buchanan; and *The Separateness of Military and Civil Jurisdiction — A Brief*, by Harvey C. Carbaugh, are among the articles which appear in the February number of the *Journal of the American Institute of Criminal Law and Criminology*.

The *Political Science Quarterly* for December, 1918, contains five articles of interest: *The Public Finance of Santo Domingo*, by Fred Rogers Fairchild; *Hindu Political Philosophy*, by Benoy Kumar Sarkar; *The Economic Status of the New York Whigs*, by Dixon Ryan Fox; *The Changing Law of Foreign Corporations*, by Thomas Reed Powell; and a continuation of the *Limitations of the Ricardian Theory of Rent*, by William R. Camp.

The January issue of the *National Municipal Review* is designated as the reconstruction number. *The New Relation of the Federal Government to State and Local Communities*, by Howard Lee McBain; *National Planning*, by Frederick L. Ackerman; *Public Employment*, by Charles A. Beard; and the *Story of the Rochester Conference and After*, by Clinton Rogers Woodruff, are among the papers published in this number.

*A Social History of The American Family*, by Arthur W. Calhoun, has recently been published by the Arthur H. Clark Company. The first volume deals with the colonial period; the second with the years between the Revolution and the Civil War; and the third brings the account down to the present. This history is especially valuable for the information it contains on social conditions in the United States.

*A Blue Book of Schuylkill County*, by Mrs. Zella Zerbey Elliott, is a history of early days in Pennsylvania. The volume contains a great variety of information and is a decided contribution to local history.

The January-February issue of *Special Libraries* contains, among others, a paper on *Technical Literature in Reconstruction*, by Edward D. Greenman, and a *List of References on Industrial Courts*, by H. H. B. Meyer. The March number is devoted to agricultural problems.

*The Year Book of The Holland Society of New York* for 1918 contains the report of the thirty-third annual meeting of the Society. An address by Henry van Dyke, formerly the Minister of the United States to the Netherlands, is included.

Two volumes on transportation and the development of shipping facilities — *The Port of Boston* and *The Port of Hamburg* — have recently been published by the Yale University Press for the purpose of calling attention to the importance of New York harbor. Both books were written by Edwin J. Clapp.

*A Guide to the Use of United States Government Publications*, compiled by Edith E. Clarke, is a recent volume which gives much needed information concerning the scope and value of government publications.

*Connecticut in Transition, 1775-1818*, a monograph by Richard J. Purcell, which was awarded the Justin Winsor Prize in American History in 1916, presents an interesting picture of the early development of a State. The eight chapters which make up this volume deal with the following general topics: infidelity and the religious revival; the activities of various churches; banks, shipping, and manufactures; emigration and agriculture; the work of the government; the rise of the Democratic-Republican party; federal party organization; and the success of the reform party. An extensive bibliography and index complete the book.

*German Colonization in Eastern Europe*, by Jean Brunhes and Camille Vallaux, and *The Indians of the Great Lakes Region and Their Environment*, by A. E. Parkins, are two of the articles which appear in *The Geographical Review* for December, 1918. In the issue for January there appear the following papers: *The American Geographical Society's Contribution to the Peace Conference*; *The Enchantment of the Old Order*, by Alice Tisdale; *The Future of Palestine*, by Ellsworth Huntington; *Geography in America*, by Wallace W. Atwood; and *Rainy Days and Rain Probability in the United States*, by Robert DeC. Ward. Among other articles the February number contains the following: *The Southern Long-leaf Pine Belt*, by F. V. Emerson; *The Ethnography of the Yugo-Slavs*,

by Milivoy S. Stanoyevich; and *The Baltimore Meeting of the Association of American Geographers*.

*Our Friends, the French*, by Carl Holliday, occupies the first place in the November, 1918, number of *The National Geographic Magazine*. Other papers are the following: *The Rebirth of Religion in Russia*, by Thomas Whittmore; *An Important New Guide for Shipping*, by George R. Putnam; and *Coal—Ally of American Industry*, by William Joseph Showalter. The December issue is devoted to a monograph on *The Races of Europe*, by Edwin A. Grosvenor. Three articles in the issue for January include the following: *Chicago Today and Tomorrow*, by William Joseph Showalter; *The League of Nations*, by William Howard Taft; and *Medicine Fakes and Fakers of All Ages*, by John A. Foote. The February issue contains *The North Sea Mine Barrage*, by Reginald R. Belknap; *Sarawak: The Land of White Rajahs*, by Harrison W. Smith; and *American Berries of Hill, Dale, and Wayside*, the fourth series of pictures of American wild flowers.

*Relations between the United States and Canada*, by G. M. Wrong; *Economic History of American Agriculture*, by L. B. Schmidt; *The Armenian Problem*, by J. E. Wrench; *British Colonial Policy*, by A. P. Scott; *Socialistic Upheaval in Europe*, by L. M. Larson; *War Aims Course*, by A. K. Heckel; *Use of Pictures and Lantern Slides in the Study of the Great War*, by G. F. Zook; *Current Events Through Pictures*, by D. C. Knowlton; and *The March of Democracy—A Masque for Victory Day Celebrations*, by C. B. McLinn are the articles which comprise the January number of *The Historical Outlook*. A supplement dealing with *Economic Mobilization of the United States for the War of 1917* is included. Among the papers in the February issue the following may be noted: *The Rôle of Niagara Falls in History*, by C. O. Sauer; *Committees of Public Information, 1863–1866*, by E. E. Ware; *The Government of England*, by E. Kimball; *European Neutrals and the Peace Conference*, by L. M. Larson; and *A Conspicuous Educational Failure*, by E. Dawson. The supplement to this number is devoted to *Some British Reconstruction*

*Views.* In the March issue are the following papers: *When the War Machine Broke Down*, by L. M. Larson; *The British Empire and What It Stands For*, by G. F. Zook; *The Study of the Far East*, by K. S. Latourette; and a *Preliminary Bibliography of Peace and Reconstruction*.

## WESTERN AMERICANA

*Home Rule in Texas*, by Albert A. Long, is the leading article in *Texas Municipalities* for January.

A monograph by Charles E. Brown on *Archaeological Reconnaissance of Juneau County* makes up the December, 1918, number of *The Wisconsin Archeologist*.

*Apportionment of State School Funds*, by Arland D. Weeks; *Marketing Farm Produce*, by John Morris Gillette; *Our Impending Law Reform*, by Hugh E. Willis; and *Tendencies in Trade Union Development*, by George Milton Janes, are among the contributions which appear in *The Quarterly Journal of the University of North Dakota* for January.

*The American Municipal Executive*, a monograph by Russell McCulloch Story, has recently been published as the September, 1918, number of the *University of Illinois Studies in the Social Sciences*.

*The University of California Chronicle* for January contains the following articles of general interest: *President Wilson's Americanism*, by J. Loewenberg; *The Future of Franco-American Relations*, by Gilbert Chinard; *Philosophy and Democracy*, by John Dewey; *The British Navy and the Freedom of the Seas*, by Charles Mills Gayley; and *The Restoration of Belgium and Her Future*, by A. J. Carnoy.

*Ethnogeography and Archaeology of the Wiyot Territory*, by Llewellyn L. Loud, and *The Wintun Hesi Ceremony*, by S. A. Barrett, are two monographs which have recently been published as parts of the fourteenth volume of the *University of California Publications in American Archaeology and Ethnology*.

*El Palacio* for February twenty-second contains an account of the Theodore Roosevelt Memorial Service held by the Legislative Assembly of New Mexico. The address was delivered by Mr. Frank Springer, formerly a resident of Iowa.

The Geographic Society of Chicago has issued as bulletin six in its series a monograph on *Starved Rock State Park and Its Environs*, by Carl O. Sauer, Gilbert H. Cady, and Henry C. Cowles.

*The Quarter-Centennial Celebration of the University of Chicago*, compiled by David Allan Robertson, has been published recently by The University of Chicago Press.

*Myths of the Southern Sierra Miwok*, by S. A. Barrett, and *The Matrilineal Complex*, by Robert H. Lowie, are short monographs which have recently appeared in the *University of California Publications in American Archaeology and Ethnology*.

*The Union Colony at Greeley, Colorado, 1869-1871*, by James F. Willard, has recently been issued by the University of Colorado as the first volume in the *University of Colorado Historical Collections*. The publications as planned will present documents and other historical material relating to the history of Colorado beginning with the colony series. The book just issued contains the records of the Greeley Colony and some excerpts from Colorado newspapers. An index is also provided.

The January number of *The Graduate Magazine of the University of Kansas* contains a paper by Sydney Prentice on *The View From Mount Oread*, which gives much interesting historical data. In the issue for February is an unsigned discussion on *Vocational Opportunities for Women*. An appeal for a national university under the title *A University of Universities for the Nation*, by Olin Templin, appears in the March number.

A description of the Jefferson Highway by its general manager, J. D. Clarkson, under the title *Miracle of Co-operation and Enterprise*, is to be found in the January number of *The Road-Maker*. There is also a paper on *Lifting America's Highways Out of the Mud*, by G. A. Kissel, which is continued in the two numbers fol-

lowing. In the February issue is a brief discussion of road conditions in Iowa under the title *Many Recent Developments in Iowa*.

*The Ohio Bulletin of Charities and Correction* for December, 1918, contains a discussion of *Public Care of Sick and Aged Persons*. In the February number there is to be found a report of the *Children's Welfare Department and Other Activities of Ohio Board of State Charities*.

*The Commonwealth Review of the University of Oregon* for July, 1918, contains a number of papers on the general subject of *Soldiers' Homes and Oregon Resources*. Among these contributions are the following: *Reconstruction and Natural Resources*, by Benton Mackaye; *First Steps for Bringing into Use the Idle Lands of Oregon*, by Thornton T. Munger; and *Available Irrigation, Drainage and Water Power Projects for the Employment of Labor and Capital During the Reconstruction Period*, by John H. Lewis.

#### IOWANA

The sixth volume in the *Studies in the Social Sciences* published by the State University of Iowa is a *History and Analysis of the Commission and City Manager Plans of Municipal Government in the United States*, by Tso-Shuen Chang.

Two of the contributions to the *Iowa Library Quarterly* for October-December, 1918, are *The Library as a Municipal Institution*, by W. R. Law, and *Traveling Library Service on the Mexican Border*, by Reba Davis.

*Midland Schools* for January contains the address of Forest C. Ensign, the newly-elected president of the Iowa State Teachers Association. In the February number are several papers on educational problems. Among these are *Social and Industrial History*, by Grace M. Shields; *Starting a Budget*, by Janet G. Cation; *The New Curriculum*, by D. S. Wright; and *Associated Rural Schools with Normal Training High Schools*, by Ernest L. Weaver.

Two of the papers in *American Municipalities* for January are *Municipal Ownership of Central Stations*, by G. J. Long, and

*Needed Revision of the Bond Laws in Iowa*, by I. E. Dierdorff. In the March number in addition to many short articles, Albert A. Long writes of *Home Rule in Texas* and there is a discussion of *Conservation in Street Lighting*, by F. D. Paine.

A brief biographical sketch of George Amos Clark, written by W. S. Scudder, and a short article by Frank K. Sanders, entitled *Grinnell-in-China Criticized*, are two of the papers published in *The Grinnell Review* for January. The issue for February is almost entirely taken up with reports of National Grinnell Day which are continued in the March number.

*A Graphic Description of Operations at the Front* is the caption under which a letter from Lieutenant Colonel Francis H. Lincoln is published in the January number of *The Alumnus of Iowa State College*. Many other letters from abroad are included. The February issue contains a number of tributes to the late Major William G. Langwill, who was killed in action.

A continuation of the *Official Statements of President Joseph Smith*, by Heman C. Smith, and further installments of J. Charles Jensen's *Local Historians* and *The Biography of John Smith, First President of Lamoni State*, are the three principal contributions in the *Journal of History* for January.

A third paper on *Masonry in European Politics*, by Jos. E. Morcombe, is to be found in *The American Freemason* for December, 1918.

A compilation of Iowa road and bridge expenditures for 1914, 1915, 1916, 1917, and 1918, is published in the February number of the *Iowa State Highway Commission Service Bulletin*.

The Iowa State College of Agriculture and Mechanic Arts has recently published *A Rural Social Survey of Orange Township, Black Hawk County, Iowa*, by George H. Von Tungeln.

The *Fairfield Tribune* has recently published a small volume of *Original Songs of the Old Settlers Quartette of Jefferson County, Iowa*.

*The Blue Sky Stock Promoter*, by Edward B. Wilson, is one of the papers found in *The Northwestern Banker* for January.



In the February number Charles William James contributes an article on *Many Bankers from Grundy Center*. Among the papers in the March issue is one entitled *Decision as to Iowa Taxation*, by Sargent and Gamble.

*The Story of the Humboldt Church*, by G. S. Garfield, is an article on church history which appears in *The Christian Register* for February 13, 1919. This Iowa church, founded in 1863, has been known as Unity Church since 1880. An interesting feature of its history is the number of women who have served as pastors.

A volume on *Iowa Authors and Their Works: A Contribution Toward a Bibliography*, compiled by Alice Marple, with an introduction by Edgar R. Harlan, has recently been issued by the Historical Department of Iowa. The compilation includes the names of some eighteen hundred Iowans who are the authors of books or pamphlets. Articles appearing in periodicals unless reprinted in separate form are not included.

*A University Soldiers' Memorial*, by Walter Albert Jessup; *In the Land of Nitchievo*, by William Fletcher Russell; *A Last Look Backward*, by Edward Henry Lauer; and *Hunting Reptiles in the Swamps of Louisiana*, by Homer Ray Dill, are four articles of general interest in *The Iowa Alumnus* for January. The February issue contains, among others, the following articles: *Back of the St. Mihiel Salient*, by Byron James Lambert; *Taking Stock: The Moral Gains of a Year*, by Charles R. Brown; *Practicing Law Among the Choctaws*, by John Tyler Bailey; and *Reveries of a Doctor: The Old Medical Building*, by Walter L. Bierring. *The Children's Hospital*, by Grace Partridge Smith; *Jimmie, George, and Others*, by Edwin L. Sabin; *Fostering a New Iowa Product*, by Irving Newton Brant; and *Winter Dusk*, a poem, by Edwin Ford Piper, are among the contributions to the March number.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Ashbaugh, Ernest J.,

*Educational Research and Statistics: Variability of Children in Spelling* (School and Society, January 18, 1919).

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Bolton, Frederick Elmer,

*What Should Constitute the Curriculum of the Junior College or Extended High School?* (School and Society, December 21, 1918).

Butler, Ellis Parker,

*Goat-Feathers.* Boston: Houghton Mifflin Co. 1919.

*I Gather Too Many Goat-Feathers — Do You?* (The American Magazine, January, 1919).

Carver, Thomas Nixon,

*Behavioristic Man* (The Quarterly Journal of Economics, November, 1918).

*War Thrift.* New York: Oxford University Press. 1919.

Colegrove, Kenneth W.,

*Democracy the One Sure Basis of World Peace* (World's Work, February, 1919).

Danner, Lois Elizabeth,

*Visits to the Untainted Children of Lepers* (Missionary Review, December, 1918).

Devine, Edward Thomas,

*Not Justice but Charity* (The Survey, December 28, 1918).

*Allotments and Allowances* (The Survey, January 25, February 8, 1919).

*Reconstruction of Social Agencies* (The Survey, February 1, 1919).

*Attack on the Federal Employment Service* (The Survey, February 8, 1919).

Dodge, Homer Levi,

*Rheostat Design* (Scientific American Supplement, December 7, 1918).

Gallaher, Ruth Augusta,

*Legal and Political Status of Women in Iowa.* Iowa City: The State Historical Society of Iowa. 1918.

Hoover, Herbert Clark,

*Food for Our Allies in 1919* (The National Geographic Magazine, September, 1918).

- Hough, Emerson,  
*The Broken Gate*. New York: Grosset & Dunlap. 1919.  
*The Sagebrusher*. New York: Grosset & Dunlap. 1919.
- Hrbkova, Sarka B.,  
*Bridging the Atlantic*. Lincoln: Nebraska State Council of Defense. 1919.
- Kendall, Nathan E.,  
*Theodore Roosevelt*. Privately printed. 1919.  
*An International League*. Privately printed. 1919.
- Kirbye, J. Edward,  
*Democracy and Its Saviors*. Des Moines: Published by the author. 1919.
- Knipe, Emilie B. and Alden Arthur,  
*Vive la France* (St. Nicholas, November, December, 1918).
- Loos, Isaac Althaus,  
*Historical Approach to Economics* (American Economic Review, September, 1918).  
*Propaedeutic to Modern Economics* (American Journal of Sociology, July to September, 1918).
- McPeak, Ival,  
*Knowing Dad* (The Midland, January-February, 1919).
- Macy, Jesse,  
*The Anti-Slavery Crusade*. New Haven: Yale University Press. 1919.
- Newton, Joseph Fort,  
*The Sword of the Spirit; Britain and America in the Great War*. New York: George H. Doran Co. 1919.
- Parrish, Randall,  
*The Strange Case of Cavendish*. New York: George H. Doran Co. 1919.
- Patrick, George T. W.,  
*The Next Step in Applied Science* (The Scientific Monthly, February, 1919).

Pierce, Bessie L.,

*An Experiment in Individual Instruction in History* (The Historical Outlook, February, 1919).

Quick, Herbert,

*From War to Peace*. New York: The Bobbs Merrill Co. 1919.

*The Fairview Idea*. New York: The Bobbs Merrill Co. 1919.

Raymond, William Galt,

*A Plan for Railroad Reorganization*. Iowa City: Published by the author. 1919.

Reed, James A.,

*Red Flag of Bolshevism* (The Forum, December, 1918).

Richardson, Anna Steese,

*Messages* (Woman's Home Companion, September, 1918).

*Game of Keeping Fit* (Woman's Home Companion, October, 1918).

*Sunday in France* (Woman's Home Companion, November, 1918).

Richman, Irving Berdine,

*The Spanish Conquerors*. New Haven: Yale University Press. 1919.

Roberts, George E.,

*What You and I Must Do Now To Make Business Good* (The American Magazine, February, 1919).

Rorem, Silas Ochile,

*Measuring East Junior High School of Sioux City, Iowa* (The School Review, January, 1919).

Schmidt, Louis B.,

*Economic History of American Agriculture as a Field for Study* (The Historical Outlook, January, 1919).

Stefansson, Vilhjálmur,

*Colonel Roosevelt as Explorer* (The Review of Reviews, February, 1919).

Taylor, Alonzo E.,

*By Force of Arms* (The Saturday Evening Post, March 29, 1919).

Towner, Horace M.,

*The "Rainbow" Division*. Washington: Government Printing Office. 1919.

Von Tungeln, George H.,

*A Rural Social Survey of Orange Township, Black Hawk County, Iowa*. Ames: Iowa State College of Agriculture and Mechanic Arts. 1918.

Wardall, Ruth Aimee,

*Have You Divided Your Dollar for 1919?* (The American Magazine, January, 1919).

#### SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Sketch of the life of William S. Jones, in the *Estherville Republican*, January 1, 1919.

Sketch of the lives of Mr. and Mrs. George W. Hight, in the *Corning Union Republican*, January 1, 1919.

Sketch of the lives of Mr. and Mrs. G. W. Young, in the *Cedar Rapids Gazette*, January 2, 1919.

Sketch of the lives of Mr. and Mrs. G. W. Hight, in the *Corning Free Press*, January 4, 1919.

Sketch of the lives of Mr. and Mrs. H. L. Taylor, in the *Council Bluffs Nonpareil*, January 7, 1919.

Sketch of the lives of Mr. and Mrs. William Bussey, in the *Jefferson Herald*, January 8, 1919.

Sketch of the life of Mrs. James Maxwell, in the *Washington Democrat*, January 8, 1919.

Sketch of the life of Mrs. James Samuels, in the *What Cheer Patriot*, January 8, 1919.

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The First White Child Born in the Iowa Country, in the *Keota Eagle*, January 9, 1919.

Sketch of the life of David Hamilton Scott, in the *Des Moines Plain Talk*, January 9, 1919.

Sketch of the lives of Mr. and Mrs. Jesse Honnold, in the *Newton Record*, January 9, 1919.

Sketch of the lives of Mr. and Mrs. Bruce T. Seaman, in the *Davenport Times*, January 9, 1919.

Death of Iowa's Oldest Resident—Patrick Gallagher, in the *Des Moines News*, January 11, 1919.

Sketch of the life of Mrs. A. H. Hollenbeck, in the *Creston Advertiser-Gazette*, January 11, 1919.

History of the Red Cross in Greene County, by Mrs. May Warrington and Mrs. Bess McCully, in the *Jefferson Herald*, January 15, 1919.

Horace Boies Ninety-One Years Old, in the *Estherville Democrat*, January 15, 1919.

Sketch of the lives of Mr. and Mrs. Columbus Chambers, in the *Chariton Leader*, January 16, 1919.

Sketch of the life of Richard Carver, in the *Manson Journal*, January, 16, 1919.

Lisbon's First Band, in the *Lisbon Herald*, January 16, 1919.

Sketch of the life of Dr. Nancy M. Hill, in the *Elkader Register and Argus*, January 16, 1919.

Reminiscences of Northwest Iowa, by A. B. Funk, in the *Spirit Lake Beacon*, January 16, 23, 1919, and the *Estherville Democrat*, January 22, 1919.

Sketch of the life of George Rix Struble, in the *Des Moines Plain Talk*, January 23, 1919.

Marion County's Part in the World War, in the *Knoxville Journal*, January 30, February 6, 13, 20, 27, March 6, 20, 1919.

- Sketch of the life of Mrs. Lemuel R. Bingham, in the *Estherville Enterprise*, February 5, 1919.
- An Early Settler of Dickinson County — S. Gray, in the *Spirit Lake Beacon*, February 6, 1919.
- Sketch of the life of Mrs. Franklin H. Whitney, in the *Atlantic News-Telegraph*, February 7, 1919.
- Sketch of the life of Schuyler R. Ingham, in the *Des Moines Tribune*, February 7, 1919.
- An Early Premium List of the Floyd County Fair, in the *Charles City Press*, February 7, 1919.
- Sketch of the lives of Mr. and Mrs. M. C. Heath, in the *Ottumwa Courier*, February 8, 1919.
- Sketch of the life of John Milton Bowers, in the *Sioux City Tribune*, February 12, 1919.
- Early History of Clark County in the *Keokuk Gate-City*, February 13, 1919.
- Frontier Sketches, in the *Keosauqua Republican*, February 13, 1919.
- The Winter of 1877-8, in the *Wesley News-World*, February 13, 1919.
- Keokuk on the Early Maps, by Edward F. Carter, in the *Keokuk Gate-City*, February 14, 1919.
- Sketch of the life of Frank Kuble, in the *Des Moines Tribune*, February 18, 1919.
- Old Residents of Waukon, in the *Des Moines Tribune*, February 18, 1919.
- Sketch of the life of George L. Dobson, in the *Des Moines Tribune*, and the *Des Moines Capital*, February 18, 1919.
- An Old Iowa City Newspaper, in the *Iowa City Citizen*, February 18, 1919.
- Sketch of the lives of Mr. and Mrs. Joe T. Hays, in the *Grinnell Herald*, February 18, 1919.

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Reminiscences of Early Trials, by Judge Bank, in the *Keokuk Gate-City*, February 19, 1919.

Early Days in Keokuk, in the *Keokuk Gate-City*, February 19, 1919.

Sketch of the life of C. E. Albrook, in the *Mt. Vernon Record*, February 19, 1919.

Sketch of the life of LeGrand Hervey Wyatt, in the *Spencer Reporter*, February 19, 1919.

Opposition to the First Bridge at Davenport, in the *Davenport Democrat*, February 20, 1919.

Reunion of Veterans of Four Wars, in the *Denison Review*, February 20, 1919.

Sketch of the life of William Albert Duckworth, in the *Keosauqua Republican*, February 20, 1919.

Reminiscences of Abraham Lincoln, by George E. Hubbell, in the *Davenport Democrat*, February 20, 1919.

Sketch of the life of Patrick Sullivan, in the *Lisbon Herald*, February 20, 1919.

Early Settlement of Davis County, by Hosea B. Horn, in the *Oskaloosa Times*, February 21, 1919.

Chariton Point, a Station on the Mormon Trail, in the *Chariton Leader*, February 21, 1919.

Sketch of the lives of Mr. and Mrs. Peter Heldt, in the *Ogden Reporter*, February 21, 1919, and the *Boone News-Republican*, February 27, 1919.

Iowa Men Helped Print Civil War Paper, in the *Montezuma Republican*, February 27, 1919.

Log Cabin Built in 1859 Torn Down, in the *Nashua Reporter*, February 27, 1919.

Sketch of the lives of Mr. and Mrs. Amos Wood, in the *Humboldt Independent*, February 27, 1919.



Reminiscences of Iowa Weather, by Charles Reed, in the *Des Moines Tribune*, February 28, 1919.

Sketch of the life of Anna Electra Sawyers, in the *Sioux City Tribune*, March 3, 1919.

The Blizzard of 1871, in the *Sioux City Tribune*, March 3, 1919.

Sketch of the lives of Mr. and Mrs. E. H. Thrapp, in the *Madrid News*, March 6, 1919.

Sketch of the lives of Mr. and Mrs. William Rinderknecht, in the *Cedar Rapids Gazette*, March 6, 1919.

Sketch of the lives of Mr. and Mrs. H. C. Crawford, in the *Des Moines Register*, March 9, 1919.

Sketch of the lives of Mr. and Mrs. William Crisman, in the *Atlantic News-Telegraph*, March 11, 1919.

Recollections of the Blizzard of 1871, in the *Rolfe Arrow*, March 13, 1919.

Sketch of the life of M. L. Bartlett, Iowa's pioneer musician, in the *Des Moines Capital*, March 15, 1919.

Sketch of the life of Mrs. Mary J. Somers, in the *Ida Grove Pioneer*, March 19, 1919.

Preparations to Welcome the Rainbow Division, in the *Red Oak Sun*, March 21, 1919.

Early Iowa Recollections, by E. H. Talbot, running in the *Sioux City Journal*, March 25, 27, 29, April 1, 1919.

The Blizzard in Palo Alto County in 1871, in the *Emmetsburg Democrat*, March 26, 1919.

## HISTORICAL SOCIETIES

### PUBLICATIONS

The *Collections of The New-York Historical Society* for the years 1917 and 1918 are devoted to *The Letters and Papers of Cadwallader Colden*.

The Rhode Island Historical Society has issued a brief *Report Upon the Burial Place of Roger Williams*, by Howard M. Chapin.

*The Story of the Virginia Banks Funds*, by Otis Ashmore, is the chief article in *The Georgia Historical Quarterly* for December, 1918.

*The Missouri Historical Review* for January contains an article by J. B. White on *The Missouri Merchant One Hundred Years Ago*; an account of *Early Days on Grand River and The Mormon War*, by Rollin J. Britton; a continuation of *Gottfried Duden's Report, 1824-1827*, translated by William G. Bek; and the first installment of a study by Jonas Viles entitled *Missouri Capitals and Capitols*.

*The Proceedings of the New Jersey Historical Society* for July, 1918, contains, among others, the following articles: *Early Taverns in New Brunswick*, by William H. Benedict, and *Raids in South-eastern Virginia Fifty Years Ago*, by Edward Wall.

Volume twenty-six of the *Publications of the American Jewish Historical Society*, in addition to the reports of the twenty-fifth and twenty-sixth annual meetings, contains a large number of papers and addresses dealing with Jewish history. Among others the following may be noted: *British Projects For the Restoration of Jews to Palestine*, by Albert M. Hyamson; *Jews in the War of 1812*, by Leon Hühner; and *Cotton Mather and the Jews*, by Lee M. Friedman.

*Joshua Reed Giddings*, by Byron E. Long; *The Tory Proprietors of Kentucky Lands*, by Wilbur H. Siebert; *Charles Dickens in Ohio*

in 1842, by Hewson L. Peeke; and *Ohio's German-language Press and the War*, by Carl Wittke, are the papers which appear in the January number of the *Ohio Archaeological and Historical Quarterly*.

A second installment of *The First Europeans in Texas, 1528-1536*, by Harbert Davenport and Joseph K. Wells, appears in the January number of *The Southwestern Historical Quarterly*. Other contributions are *The Last Stage of Texan Military Operations Against Mexico, 1843*, by William Campbell Binkley, and the fifth chapter of the *Minutes of the Ayuntamiento of San Felipe de Austin, 1828-1832*, edited by Eugene C. Barker. There is also an appeal for the collection of war history materials by local communities.

Two of the contributions which appear in the January number of the *Rhode Island Historical Society Collections* are: *The Lands and Houses of the First Settlers of Providence*, by Howard M. Chapin; and an *Account of Sales of 106 Africans brought into Charleston, S. C., on the Brig Three Sisters, Captain Champlin of Bristol, October 12, 1807*, by Wilfred H. Munro.

*The Surrender of Astoria in 1818*, by T. C. Elliott, is one of the articles in *The Quarterly of the Oregon Historical Society* for December, 1918. *The Federal Relations of Oregon*, by Lester Burrell Shippee, is continued in this number, and there is a further installment of the *Correspondence of Reverend Ezra Fisher*.

The three articles which comprise the January number of *The American Historical Review* are: *Vagaries of Historians*, by William R. Thayer; *The War-Scare of 1875*, by Joseph V. Fuller; and *Prussianism in North Sleswick*, by Lawrence M. Larson. A number of documents relating to the work of Captain Nathaniel Pryor, edited by Walter B. Douglas, are included.

*John Keating and His Forbears*, by J. Percy Keating; *Fifteen Years of Canadian Church History*, by J. M. Lenhart; and the concluding chapter of *The Life of Bishop Conwell*, by Martin I. J. Griffin, are the chief contributions to the *Records of the American Catholic Historical Society of Philadelphia* for December, 1918.

*Andrew Johnson and the Early Phases of the Homestead Bill*, by St. George L. Sioussat; *The Passing of the Frontier*, by Arthur C. Cole; *Trade in the Blue-Grass Region, 1810-1820*, by Theodore G. Gronert; and *The Northern Railroads and the Civil War*, by Hermon K. Murphey, are the papers which appear in the December, 1918, number of *The Mississippi Valley Historical Review*.

Among the papers found in the January issue of *Americana*, the following may be noted: *Beginnings of Worcester, Mass.*, by Charles Nutt; *Chapters in the History of Halifax, Nova Scotia*, by Arthur W. H. Eaton; and *The Lottery in American History*, by Howard O. Rogers.

A second installment of *The Military Hut-Camp of the War of the Revolution on the Dyckman Farm*, by Reginald Pelham Bolton, is published in *The New-York Historical Society Quarterly Bulletin* for January.

*The Quarterly Publication of the Historical and Philosophical Society of Ohio* for October-December, 1918, contains the annual report of the Society. In the number for January-March there is a second installment of the *Selections from the William Greene Papers*.

*The Marjorie Ayleffe Smith Indian Collection*, by J. E. Barton; *The Battle of Perryville, Ky., 1862*, by A. C. Quisenberry; and *Early Railroadings in Kentucky*, by R. S. Cotterill, are some of the articles which appear in *The Register of the Kentucky State Historical Society* for January.

*The Indiana Magazine of History* for December, 1918, contains four articles: *General Joseph Bartholomew*, by George Pence; *Warrick County Prior to 1818*, by Arvil S. Barr; *The Populist Party in Indiana*, by Ernest D. Stewart; and *Edward A. Hannegan*, by John Wesley Whicker.

Number twenty-one of the publications of the Historical Society of New Mexico is a monograph entitled *Colonel Juan Bautista de Anza, Governor of New Mexico, Diary of his Expedition to the Moquis in 1780*, edited by Ralph E. Twitchell.

The *Western Pennsylvania Historical Magazine* for January contains, among others, the following articles: *The Historical Society of Western Pennsylvania*, by Burd S. Patterson; *The Frontier Policy of Pennsylvania*, by George Arthur Cribbs; *The Pennsylvania Canals*, by James MacFarland; and *Fortifying Pittsburgh in 1863*, by John P. Cowan.

A continuation of *The South Atlantic States in 1833, as Seen by a New Englander*, a narrative written by Bernard C. Steiner, occupies the greater part of the *Maryland Historical Magazine* for December, 1918.

Publication number ninety-nine of the *Collections of The Western Reserve Historical Society* is devoted to a monograph by Elbert J. Benton on *The Movement for Peace Without a Victory During the Civil War*.

*Early Indiana Trails and Surveys*, by George R. Wilson, has recently been issued as one of the numbers of the *Indiana Historical Society Publications*. The following number is devoted to the *Minutes of the Society, 1886-1918*.

*The Virginia Magazine of History and Biography* for January contains a further list of *Virginians Who Have Died in the War for Freedom*. There is also a continuation of the *Minutes of the Council and General Court—1622-1629* and another installment of *The Preston Papers*.

Among the contributions to the *Journal of The Presbyterian Historical Society* for December, 1918, is an article by Charles E. Corwin on *Incidents of Reformed Church Life in New York City During the Revolutionary War* and the ninth installment of the *Diaries of the Rev. Seth Williston, D. D.*, edited by John Quincy Adams.

*Augusta County, Virginia, in the History of the United States*, by Boulwell Dunlap, is a volume recently published by The Kentucky State Historical Society. The chief feature of this work is a roster of prominent men and women from the county.

The Chicago Historical Society has published *The Illinois and*

*Michigan Canal*, by James William Putnam, as volume ten of its *Collections*.

*Analysis of the Pacific Railroad Reports*, by Pearl Russell; *David Thompson's Journeys in the Spokane Country*, by T. C. Elliott; and *Pioneer and Historical Associations in the State of Washington*, by Victor J. Farrar, are among the papers to be found in *The Washington Historical Quarterly* for January. There is also a continuation of Rose M. Boening's *History of Irrigation in the State of Washington*, and Edmond S. Meany has another article on the *Origin of Washington Geographic Names*. The first constitution of the State of Washington, 1878, with notes by John T. Condon, is included in this number.

*The New York Genealogical and Biographical Record* for January contains a large number of papers and articles, among which are the following: *The Kidd-Gardiner "Cloth of Gold" and "Pitcher"*, by John R. Totten; *Some Vital Statistics of Revolutionary Worthies*, by Elizabeth Cowing; and a continuation of *Mohawk Valley House-holders in 1800*, contributed by L. D. Scisco.

The January issue of the *Michigan History Magazine* is largely devoted to war problems. In addition to the sixth annual report of the Michigan Historical Commission and a roster of the Michigan Pioneer and Historical Society, the following articles are included: *Work of the Michigan War Preparedness Board*, by Roy C. Vandercook; *Democracy's Educational Problem*, by Claude H. Van Tyne; *America and the Great War*, by Bernice Anna Perry and E. W. Tiegs; and *Our Soldiers Past and Present*, by Earl Brown.

Four articles which appear in *The Wisconsin Magazine of History* for March are the following: Chapter one of *The Story of Wisconsin, 1634-1848*, by Louise Phelps Kellogg; *Moses Ordway, Pioneer Presbyterian Missionary*, by Thomas S. Johnson; *The Early History of Lafayette County*, by P. H. Conley; and a continuation of the article by P. Pernin entitled *The Finger of God Is There*. There is also a further installment of letters from Wisconsin soldiers under the heading *Badgers in the Great Adventure*.

The *Seventh Biennial Report of the North Carolina Historical Commission* has recently been issued as bulletin number twenty-four of the *Publications of the North Carolina Historical Commission*.

Among the articles found in the *Journal of the Illinois State Historical Society* for January, 1918, the following may be listed: "*The Oregon Trail*", by Jonathan Truman Dorris; *A Momentous Incident in the History of Illinois*, by Jane Martin Johns; and *The Treaty of Greenville, 1795*, by Charles A. Kent.

*Political Parties in Michigan, 1837-1860*, by Floyd Benjamin Streeter, has been published as volume four of the *University Series* of the Michigan Historical Commission. This is a work of some four hundred pages including a bibliography and index.

*Joseph Bonaparte in Philadelphia and Bordentown*, by Charlemagne Tower, is the first article in *The Pennsylvania Magazine of History and Biography* for October, 1918. There is also a further installment of the *History of the Philadelphia and Lancaster Turnpike*, by Charles I. Landis, and this is continued in the January issue.

The fourteenth volume of the *Collections of the Kansas State Historical Society*, 1915-1918, contains a large number of papers and addresses among which are the following: *Origin of the Name "Jayhawker," and How it Came to be Applied to the People of Kansas*, by William A. Lyman; *The Marais des Cygnes Massacre*, by Joel Moody; *Campaigning in the Army of the Border*, by Albert Robinson Greene; *History of Salt Discovery and Production in Kansas, 1887-1915*, by Frank Vincent; *The Prairie Band of Pottawatomies*, by William Elsey Connelley; and *The Civil War Diary of John Howard Kitts*.

Volume nine of the *Papers of the New Haven Colony Historical Society* contains a collection of the papers of Jared Ingersoll, the stamp master for Connecticut. There is also an address by Simeon E. Baldwin on *The Hartford Convention*; a paper by Franklin B. Dexter, entitled *Notes on Some of the New Haven Loyalists, Includ-*

*ing Those Graduated at Yale*; and an account of the publicity work in Connecticut during the Revolution, written by Albert Carlos Bates under the heading, *Fighting the Revolution with Printer's Ink in Connecticut: The Official Printing of that Colony from Lexington to the Declaration.*

#### ACTIVITIES

The Buffalo Historical Society has recently issued the annual report of the Society for the year 1918.

The twentieth annual meeting of the Oregon Historical Society was held at Portland on October 26, 1918. Miles Cannon gave the principal address.

On February 18, 1919, the Maryland Historical Society formally dedicated the H. Irvine Keyser Memorial Buildings at Baltimore. In addition to the speeches of presentation and acceptance, addresses were made by Governor Emerson Harrington, Bernard C. Steiner, and John M. Vincent.

The Historical Society of Jefferson County held its quarterly meeting at Fairfield on March 5, 1919. Hiram Heaton read a summary of the history of the county since the previous meeting.

The twelfth annual meeting of the Mississippi Valley Historical Association is to be held at St. Louis, Missouri, on May 8 to 10, 1919. The Missouri Historical Society and Washington University will coöperate with the Association. On May 11th will occur the celebration of the one hundredth anniversary of the arrival of the first steamboat at St. Louis.

#### THE STATE HISTORICAL SOCIETY OF IOWA

The January number of the *Iowa and War* series, published by the Society, contains a tentative outline for a history of Iowa's part in the World War. In the February issue there appears a similar outline for the history of a county's part in the war.

A volume on the *Legal and Political Status of Women in Iowa*, written by Ruth A. Gallaher, has recently been published by the



Society. The first part of the book gives the history of the status of women in Iowa under the Common Law, and the successive steps by which women gained equality in civil rights; the second part is devoted to an account of the struggle for suffrage and the right of women to hold office — a struggle which thus far has not been successful.

The following persons have recently been elected to membership in the Society: Rev. D. F. Mulvihill, Des Moines, Iowa; Mrs. Pauline Swisher Royal, West Liberty, Iowa; Mr. Al. Wiese, Mt. Auburn, Iowa; Hon. U. S. Alderman, Nevada, Iowa; Hon. W. W. Epps, Ottumwa, Iowa; Mr. Norman H. Ringstrom, Iowa City, Iowa; Hon. J. A. Williams, Council Bluffs, Iowa; Mr. Alfred E. Baldrige, Des Moines, Iowa; Mr. Clifford Merrill Drury, Early, Iowa; and Mr. Silas B. Miller, Waterloo, Iowa.

## NOTES AND COMMENT

A monument to the soldiers who participated in the World War is being erected in the city park at Atlantic.

The Fourth Annual Convention of the Iowa Press Association was held at Des Moines on February 7, 8, and 9, 1919. Captain Paul Perigord of the French Commission at Washington gave the chief address.

The State University of Iowa is compiling a record of the alumni, students, and members of the faculty of the institution who have taken part in the World War. The publication is under the direction of Dr. C. H. Weller, who is assisted by Mrs. Grace Partridge Smith.

A meeting of the Pioneer Lawmakers' Association was held at Des Moines on March 12, 1919. The president of the society, Mr. Perry Engle, gave the principal address.

The twenty-third annual meeting of the American Academy of Political and Social Science will be held at Philadelphia on May 2, and 3, 1919. The general topic is to be *Internal Reconstruction*. Among the speakers listed on the preliminary program are Abram I. Elkus, Charles Pergler, David R. Francis, Raymond Robins, and Thomas R. Marshall.

A conference of Americanization specialists and workers is to be held at Washington, D. C., on May 12-15, 1919. Monday will be educational day; Tuesday will be given over to the discussion of Americanization in industries; Wednesday will be devoted to the study of racial problems; and on Thursday the social aspects of the movement for Americanization will be studied.

The Bureau of Education, Department of the Interior, has begun the publication of a new periodical to take the place of the *Food News Notes for Public Libraries*. The new periodical is to

be known as *National Library Service* and its purpose is to transmit to the people through the libraries the information concerning public problems which the government can furnish.

The Historical Department of Iowa has commissioned C. D. Tinsley to secure moving pictures of the Rainbow Division when it returns from overseas. The old Third Iowa, now the One Hundred and Sixty-eighth United States Infantry, is included in this famous division.

Schuyler Rowland Ingham, a pioneer of Des Moines died at St. Petersburg, Florida, on February 7, 1919. Mr. Ingham was born in Little Falls, New York, on June 2, 1830, and came to Des Moines with Mr. James Callanan in 1856, remaining there until 1865. During the Civil War, he was commissioned by Governor Kirkwood to organize the defense of the northwestern frontier where the Indians were restless and the settlers feared an outbreak. In addition to this service Mr. Ingham had a share in some of the economic activities of the State.

GEORGE L. DOBSON

George L. Dobson, whose death occurred at Redmond, Oregon, on February 16, 1919, was born in Westmoreland County, England, on September 24, 1851, and came to the United States in 1864. Mr. Dobson graduated from the law department of the State University of Iowa in 1878, and in 1885 was elected a member of the Twenty-first General Assembly. After serving three terms as a member of the House, he became registrar in the government land office at Beaver, Oklahoma. In 1896, he was elected Secretary of State in Iowa and held this position until 1901. He was appointed consul to Hang Chow, China, in 1905, but remained only a few months.

## CONTRIBUTORS

CLARENCE RAY AURNER. Received the degree of Doctor of Philosophy from the State University of Iowa in 1912. Author of *History of Education in Iowa*, *History of Township Government in Iowa*, *Iowa Stories*, and *Leading Events in Johnson County, Iowa, History*. (See *The Iowa Journal of History and Politics* for April, 1911, p. 332.)

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## HISTORICAL SURVEY OF THE MILITIA IN IOWA 1838-1865

[The term militia is not new to the people of Iowa and the United States, but it has had various meanings at different periods in our history. Even during the same period it has been used to designate different groups of men. At the time of the adoption of the Federal Constitution the militia included nearly the whole effective fighting force of the population designated as "all able-bodied white male citizens between the ages of eighteen and forty-five". This body was wholly unorganized, and existed merely as a totality of individuals available in case of military necessity.]

Out of this unorganized militia developed a militia which was based on the civil organization and included all men between the ages of eighteen and forty-five. Usually the men of one county formed a company, battalion, or regiment. This militia—which is found in Territorial Iowa—was at least an outlined organization, with an annual or semi-annual muster and drill.

During the period immediately preceding the Civil War there existed a third type of military organization which was characterized by independent volunteer companies, having no connection with each other except that the officers of all were commissioned by the Governor of the State. Strictly speaking these companies were not militia organizations; nor were they grouped into regiments and brigades. The members were supposed to drill occasionally, but their usual maneuvers consisted of elaborately costumed parades and military balls.

The militia with which we are familiar to-day is known as the National Guard, and consists of regularly organized companies which are grouped into regiments under the joint supervision of the State and Federal authorities. Enrollment in these companies is voluntary; and in no sense do they include the whole of the militia, which still, in theory, includes all able-bodied male citizens of the State between the ages of eighteen and forty-five.

Since the appearance of volunteer companies, attempts have been made to classify the militia by the use of such terms as: "Active" and "Inactive", "Organized" and "Unorganized", "Active" and "Sedentary", "Active Militia" and "Peace Establishment", "Volunteer" and "Reserve", and "Volunteer" and "Enrolled".<sup>1</sup>—EDITOR.]

### THE MILITIA IN THE UNITED STATES

The militia system of the United States was inherited from England and antedates the Revolution. As early as

<sup>1</sup> Smith's *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 25.

October 26, 1774, "the Colonial Assembly of Massachusetts, which had been dissolved by the Governor on September 28th, met, voted themselves a Provincial Congress, adopted a scheme for the militia, appointed several general officers, as well as a Committee of Safety to organize the militia, commission the officers and direct their operations in the field, and a Committee of Supplies to procure arms and ammunition."<sup>2</sup> In 1775 this Committee of Safety organized companies and regiments throughout Massachusetts Bay Colony. Other colonies followed this example, and the militia system was thus established in the New World. These military forces were, of course, under the complete direction and control of the individual colonies.

Thus it will be seen that while "the American Colonies possessed no Regular military force" at the opening of the Revolution, nevertheless "each colony had a force of militia".<sup>3</sup> A majority of the men composing this militia were trained in the hardships of the frontier and were good shots and self-reliant, but owing to the lack of organization it can hardly be said that they constitute an effective fighting force for concerted and sustained action. There was also a nucleus of good officers who, having received a thorough training in the French and Indian wars, made first-class soldiers, although they hated discipline.

"The absence of a permanent force of Regular troops", according to one authority on military history, "left the revolting colonies no alternative except to have recourse to such militia as they already possessed, supplemented by whatever recruits presented themselves."<sup>4</sup> Thus there were in the Revolutionary War many soldiers who had been enrolled in the colonial militia companies.

<sup>2</sup> Huidekoper's *The Military Unpreparedness of the United States*, p. 5.

<sup>3</sup> Huidekoper's *The Military Unpreparedness of the United States*, p. 3.

<sup>4</sup> Huidekoper's *The Military Unpreparedness of the United States*, pp. 4, 5.

By declaring that Congress shall have the power to "provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress", the Federal Constitution perpetuated the colonial military system.<sup>5</sup> It was further provided that the President of the United States should be Commander-in-Chief of the militia whenever it was employed in the service of the United States. Indeed, more detailed provisions for the militia are found in the Constitution than for any other branch of the military service. The purposes for which it may be called out by the President are specified; and so great was the concern regarding the militia that the second amendment to the Constitution specifically provided that "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."<sup>6</sup>

In conformity with the provisions of the Constitution there was enacted by Congress, in May, 1792, a general law for all militia organizations entitled "An Act to provide for calling out the militia to execute the laws of the Union, suppress insurrections and repel invasions."<sup>7</sup> By this act the militia system was definitely fastened upon the country. It provided that "each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years and under the age of forty-five years, except as is hereinafter

<sup>5</sup> *Constitution of the United States*, Art. I, Sec. 8.

<sup>6</sup> *Constitution of the United States*, Amendment II.

<sup>7</sup> *United States Statutes at Large*, Vol. I, p. 264; *Smith's Militia of the United States from 1846 to 1860 in the Indiana Magazine of History*, Vol. XV, p. 21.

excepted, shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside, and that within twelve months after the passing of this act; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen as aforesaid, and also those who shall from time to time arrive at the age of eighteen years, and being of the age of eighteen years, and under the age of forty-five years, except as before excepted, shall come to reside within his bounds, and shall without delay notify such citizens of the said enrollment by a proper non-commissioned officer of the company, by whom such notice may be proved.”<sup>8</sup>

This law also prescribed the arms and equipment of the various grades to be procured by the members of the militia. It provided that “the vice-president of the United States, the officers, judicial and executive of the United States, the members of both houses of congress and their respective officers, all custom house officers, with their clerks, all post officers and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States, all ferrymen employed at any ferry on the post road, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant of the United States, and all persons who now are or may hereafter be by the laws of the respective states, shall be and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.” In addition, special exemption was granted to Shakers and Quakers.<sup>9</sup>

A schedule of organization and officers was suggested

<sup>8</sup> *United States Statutes at Large*, Vol. I, p. 264.

<sup>9</sup> *United States Statutes at Large*, Vol. I, p. 264.

but not prescribed by the militia law of 1792. Regimental and battalion musters and inspections were required. It was made the duty of the Adjutant General of each State to make returns of the militia to the Commander-in-Chief of the State and to the President of the United States.<sup>10</sup> In 1803 these returns were required to be made annually and were to include statistics of the arms and ammunition as well as the number of men. In 1808 an annual appropriation of \$200,000 was made by the general government for equipping the militia—the amount of equipment provided for each State being based upon annual returns. In 1816 the regulations of the act of 1792 with respect to the field officers were changed by assigning a Colonel to a regiment in place of a Lieutenant Colonel. Four years later the discipline and field exercise of the Regular Army were prescribed for use by the State militia.<sup>11</sup>

The militia law of 1792 proved to be both ineffective and inadequate: indeed, its provisions were almost wholly unenforced. No material modification of the law was secured, however, until 1903—although frequent attempts were made to revise or modify it. It is said that no subject, except finance, was more discussed prior to the Civil War.

In the meantime voluntary State action supplied to some extent the lack of legislation by Congress. State organizations sprang up as purely local units; national control dwindled; and there was in reality no such thing as a national militia. As early as 1840 it was generally conceded

<sup>10</sup> By the Ordinance of 1787 the Governors of the Territories and States in the Northwest Territory were made Commanders-in-Chief of their militias. This was true of the original States, too, and that precedent has been followed to date.—*Ordinance of 1787*.

<sup>11</sup> *United States Statutes at Large*, Vol. III, p. 295; Smith's *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 21.

that the system of universal membership in a militia which was obligated to train but one day in the year was a failure. During his administration President Van Buren wrote that "the principal objections to the present system appear to arise from the great and unnecessary extent of the enrolment of the militia held to actual service and who are required to muster and do duty a certain number of days in the year, and from the want of adequate means of inducement to secure a proper instruction; by reason of which this heavy tax is not only rendered in a great degree useless, but is also unreasonably burdensome. . . .

"How far the existing organization and laws passed by the States in pursuance thereof have proved successful in accomplishing the great object in view, viz: the instruction and improvement of citizen soldiers in military tactics, you are able to judge for yourselves. The results were a short time since summed up. . . . [by General Cass, when Secretary of War] 'It is vain to expect that the whole adult population of the country can, or will furnish themselves with the articles required by law; or that their collection, for any number of days they can afford to devote to this object, and under the usual circumstances of such assemblages, can produce any beneficial effects to themselves or their country. Already, in a number of States, the system has sunk under the weight of public opinion'.<sup>12</sup> President Van Buren suggested the recruiting of active militia companies by volunteer enlistment as the logical solution of the problem.

Popular interest in the militia has varied considerably in intensity. In the early days, following the Revolution, spirit ran high and the militia was well supported. As new States were organized they speedily incorporated into their

<sup>12</sup> Extracts from a letter written by President Martin Van Buren to citizens of Elizabeth City County, Virginia, in the *Iowa Territorial Gazette and Advertiser* (Burlington), August 29, 1840.

laws provisions for militia organization. This was generally as far as the matter went. Even the frontier States seemed satisfied that with the old district plan of militia—whose only utility lay in its inadequate facilities for taking the census—they were sufficiently protected from the dangers of Indian attacks.

“Following the stormy times of the war of 1812–15”, says one writer, “there came a period of comparative quiet in militia circles during which time little or nothing was done to improve the system. . . . A number of States tried to awaken Congress to action but without avail and for some time no progress was made.”<sup>13</sup> While no definite date can be set for the beginning of this decline in interest in the militia, “certain it is that the decline began many years before the Mexican war. The causes for it were many—lack of military necessity; rareness of drill days; expense, and commutation and fines. As the memory of the War of 1812 faded gradually from the public mind, the military spirit also declined. Then it was that the hardships worked by the system became noticeable. The drills in most cases were held on only one day in the year, and that usually in April or October. It took all morning to get the roll called, and it was not until two o’clock that the actual drilling occurred and then the officers in command many times appeared late in the day. In many cases that in itself would have made little difference, for often the officers knew little more than the men, but the loss of time was a real burden. One case at least is on record where the officer in charge was in the habit of reading the orders from printed cards.”<sup>14</sup>

<sup>13</sup> Clarke’s *Official History of the Militia and the National Guard of the State of Pennsylvania*, Vol. II, p. 29.

<sup>14</sup> Smith’s *Militia of the United States from 1846 to 1860 in the Indiana Magazine of History*, Vol. XV, p. 22.

The special drill and parade days were everywhere regarded as indicative of the interest in the militia. Governor Joseph Ritner of Pennsylvania, in his annual message of 1836, stated that while he was "not among those who judge of its usefulness or efficiency from the motley appearance of a regiment at May parade", nevertheless "it must be borne in mind that all warlike movements in time of peace have more or less of an-unnecessary, if not ridiculous appearance. It is only when the stern note of the war drum calls men to defend their homes and kindred, that military parade assumes the character of real necessity." He suggested "the propriety of so amending the law for regulating parades, that all useless waste of time and money may be avoided."<sup>15</sup> It was in this same State, twelve years earlier, that "the Eighty-fourth Regiment, as a joke, and to ridicule the militia, elected John Pluck, an ignorant hostler, its Colonel. . . . Colonel Pluck issued orders for a parade of the First Battalion, under Lieutenant Colonel Norbury, on May 1st, and of the Second Battalion, under his own command, May 19. When Colonel Pluck's battalion paraded, numbers of persons appeared in fantastic costumes, armed with ponderous imitations of weapons."<sup>16</sup>

Indeed, from early times "the annual muster day had been the chief social time for the entire neighborhood, the dancing and barbecue always attracting quite as much as the serious business of the day. This festive side of the occasion became more and more prominent as the memory of past wars gradually faded, and the officers took their duties less and less seriously. The appearance of a body

<sup>15</sup> Clarke's *Official History of the Militia and the National Guard of the State of Pennsylvania*, Vol. II, p. 37.

<sup>16</sup> Clarke's *Official History of the Militia and the National Guard of the State of Pennsylvania*, Vol. II, p. 32.



of militia on training day has been likened to a burlesque on all things military.’<sup>17</sup> Their arms were usually as ludicrous as their costumes, their customary weapon giving them the name of “corn-stalk militia”.

By 1840 the condition of the militia began to alarm some interested people, and as a result Congress appointed a committee to investigate the condition of the militia and to make suggestions for its improvement. Although the report of this committee got no decent hearing in Congress, many of the States heeded its advice.<sup>18</sup> Volunteer companies now came into general favor. Nowhere were they a success, however, and so the whole system again collapsed. Immediately after the Mexican War there was a slight revival of interest in military affairs and volunteer companies were again organized. During the decade preceding the Civil War there was likewise a decided upward trend in military spirit when people began to realize that they possessed no military strength.

Soon after the Civil War the organized militia in the various States came to be known as the National Guard. This designation is said to have originated at the time Lafayette visited America in 1824, when the famous Seventh Regiment of the New York militia adopted this name in his honor — after the “Garde Nationale”. In 1862 the State of New York adopted the term to describe its organized militia. Other States followed this example, and to-day in most States the active militia is known as the National Guard.

In 1887 the annual appropriation of \$200,000, which had been made in 1808 for the equipment of the militia, was in-

<sup>17</sup> Smith's *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 31.

<sup>18</sup> Smith's *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 24.

creased to \$400,000. This fund was to be apportioned among the States in proportion to the number of Senators and Representatives to which they were entitled in the Congress of the United States.<sup>19</sup> In 1900 this appropriation was fixed at a million dollars annually.<sup>20</sup>

Finally, in 1903, a fundamental change in the militia law was undertaken by Congress in an "Act to promote the efficiency of the Militia"—better known as the "Dick Bill".<sup>21</sup> The fundamental purpose of this act was to unify and bring into harmony the different branches of the military establishment—to make the militia and the Regular Army serve the same end. It was not to take the place of State action, but to supplement that action.

This act provided that the "militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be known as the Reserve Militia."<sup>22</sup> Throughout the act, however, the terms "National Guard" and "Militia" are used interchangeably to designate the organized militia.

The act further provided that within five years after its passage the organization, armament, and discipline of the National Guard should be the same as that of the Regular

<sup>19</sup> *United States Statutes at Large*, Vol. XXIV, pp. 401, 402.

<sup>20</sup> *United States Statutes at Large*, Vol. XXXI, p. 662.

<sup>21</sup> So named after Major General Charles Dick, of the Ohio National Guard, then a member of the House of Representatives and chairman of the Committee on the Militia.

<sup>22</sup> *United States Statutes at Large*, Vol. XXXII, Pt. 1, p. 775.

Army. Arms, ammunition, and military supplies were to be issued to the organized militia of the States by the United States government. Inspection of militia companies by army officers was prescribed. There was also provision for the participation of the militia or National Guard in joint maneuvers with the Regular Army<sup>23</sup> under the command of a Regular Army officer. Members of the militia companies were required "to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than twenty-four times" each year.

While it had some defects the Dick Bill was a great advance in militia legislation. In an address before the Fifth Annual Convention of the Interstate National Guard Association of the United States, held at Columbus, Ohio, on May 4 and 5, 1903, Secretary of War Elihu Root explained the idea and importance of this law, and gave the following summary concerning the militia from early times to 1903:

In determining what is the leading idea, the controlling purpose of this law, it is necessary to go into the condition which the law met — into the history of the militia of the United States. It is familiar to us all that the original idea of the founders of the Republic was, that the entire body — the male population of the country — should constitute the militia; that we should rely very little upon a standing army, but that the able-bodied male citizens

<sup>23</sup> "In the closing 80's effort was made by the War Department to assist the militia, by allowing portions of the Regular Army of certain large garrisons to participate in encampments with State troops.

"This plan of voluntary cooperative effort, by tacit understanding between the Regular Army and the militia in certain sections, was begun and conducted for some time without any official formal sanction of either State or Federal law, and went on from year to year, on a more or less limited scale, without any officially announced prearranged plans of coordinated effort."— *Annual Report of the War Department*, 1917, Vol. I, p. 847.

of the United States between the ages of eighteen and forty-five,—each one of them—should be a member of the militia; each one of them should keep in his own home the gun and the powder horn and the bullets and the various accouterments necessary to enable him to go out and defend his country when he was called.

We all know, too, that the expectation failed to be realized in practice. We know that almost immediately after the passage of the original militia bill, in 1792, the Presidents of the United States, down, seriatim, commenced to ask Congress for further legislation regarding the militia; that Washington asked for it; Jefferson asked for it; Madison asked for it; and almost every administration since has sought to strengthen it.

The original militia system, based upon that idea, never worked, and as time passed on and the conditions of life became more complicated, it became less and less possible that it should be operative, until it was absolutely a dead letter, absolutely obsolete; so that we presented the extraordinary spectacle of a great country, a great people, whose principles were opposed to the maintenance of any considerable standing army, relying upon a citizen soldiery for its defense, and yet which had no law under which any preparation for defense whatever was made.

That was the situation which existed, so far as the national preparation for defense went, down to the last session of the last Congress [1903].

In the meantime there had grown up in the states themselves bodies of state troops, troops for the immediate and constant uses of the state; and those troops, although called the "National Guard", were practically the army of Pennsylvania, of New York, of Ohio, of Georgia, of the different states by which they were maintained, and under the command of whose governors they acted; a separate and independent system, linked to the National Government only by the fact that quite late in their history,—but a short time ago—an appropriation was made by Congress to be distributed among the different states *in accordance with their representation in Congress*, without any reference to whether they had a large or small National Guard.

These bodies of troops were not organized as a rule with reference to the service of the United States; they were organized as a rule

with reference to continuing as state troops, and not becoming national troops under any circumstances.

Under those conditions this bill was passed . . . . to recognize the fact that . . . . National Guard organizations are the great school of the volunteer to which the country must look, in order that its young men, when they go out to fight the battles of their country, shall find officers competent to lead them, to transport them, to equip them, to feed them, to keep them in health, and lead them against the enemy.

That is the fundamental idea of this law: to adopt as the basis of the popular militia system the National Guard organizations; to recognize the fact that those organizations are the great school of the volunteer soldier, and to take upon the shoulders of the United States the fair share of the burden of maintaining these organizations, which are proportionate to the advantages the nation will get from them.<sup>24</sup>

Under this law the militia organizations of the several States steadily increased in efficiency and value until at the time of the World War they were able to furnish capable soldiers and competent officers. In 1914 the National Guard was made the second line of defence for the protection of the country.<sup>25</sup> The National Defense Act of June 3, 1916, brought the National Guard still further under the control of the Federal government and made it available for service in any part of the United States. This act also created the National Guard Reserve. Then on July 1, 1916, the President was given authority to draft the National Guard into Federal service for service along the Mexican border.<sup>26</sup> Undoubtedly the extensive training which resulted from this act, was in a large measure responsible for the good showing of National Guard regiments in France two years later.

<sup>24</sup> Root's *Military and Colonial Policy of the United States*, pp. 139-141.

<sup>25</sup> *United States Statutes at Large*, Vol. XXXVIII, Pt. 1, p. 347.

<sup>26</sup> *United States Statutes at Large*, Vol. XXXIX, Pt. 1, pp. 339, 340.

The important feature of the legislation of 1916 was the dual enlistment oath, which bound the officers and enlisted men to Federal as well as State service. Another important provision of the act of 1916, was the abolition of the National Militia Board, created by act of May 27, 1908. The Division of Military Affairs in the office of the Secretary of War, already organized as a sub-division of the office of the Chief of Staff by War Department orders was merged into the Militia Bureau of the War Department.

Again, on May 18, 1917, the President was given authority to "draft into the military service of the United States, organize, and officer (under the National Defense Act) . . . any or all members of the National Guard and of the National Guard Reserves . . . for the period of the existing emergency unless sooner discharged."<sup>27</sup>

Under the authority of this act the National Guard of the several States to which Federal recognition had been extended was drafted into Federal service on August 5, 1917. "This induction", the War Department ruled, "discharged those so drafted from the militia and separated them entirely from the service and jurisdiction of the States concerned. They became a part of the Army of the United State for service therein during the period of the war, subject to the statutes and regulations governing the Regular Army in so far as these pertain to temporary forces."<sup>28</sup>

In all, some eighteen divisions of National Guard troops, with approximately 12,000 officers and over 360,000 enlisted men were thus mustered into Federal service.<sup>29</sup> Some States possessed at this time partial organizations which were not recognized as National Guard units. Of these,

<sup>27</sup> *United States Compiled Statutes, Temporary Supplement, 1917*, p. 61.

<sup>28</sup> *Annual Report of the War Department, 1918*, Vol. I, p. 1101.

<sup>29</sup> *Annual Report of the War Department, 1918*, Vol. I, p. 1108.

some were disbanded and others completed. These units were subject to draft at the order of the President, but there was much confusion as to their status. Some States, indeed, organized units of local State guards, bearing the expense without Federal aid.

Nearly all of the National Guard troops are now home from Federal service and mustered out. Although most of the States are now without an organized militia or National Guard, efforts are being directed toward the reestablishment of the Guard.

#### THE TERRITORIAL MILITIA — MICHIGAN PERIOD

The military history of Iowa is traced through Wisconsin Territory and Michigan Territory. While the jurisdiction of Michigan Territory was extended over the Iowa country in 1834 it is doubtful if there was any military organization in the Iowa country under the Michigan militia laws. At the same time it appears that these laws had an influence in determining the militia policy in early Iowa.

By a provision of the Ordinance of 1787 which was carried over into the Organic Act of Michigan, the Governor of the Territory was made *ex officio* Commander-in-Chief of the militia; and as early as 1805 the Governor and Judges enacted a statute providing for the militia. The provisions of this law were taken from the then existing laws of Ohio, New York, Virginia, and Massachusetts on the same subject. Section one, taken from the laws of Ohio, prescribed that "every free, able-bodied, male inhabitant of the territory of Michigan, of the age of fourteen years, and under the age of fifty years, shall severally and respectively be enrolled in the militia, by the captain or other commanding officer, within whose limits such person shall reside."<sup>80</sup> Each regiment was to be commanded by

<sup>80</sup> *Laws of the Territory of Michigan*, Vol. I, p. 47.

a Colonel—the provision of the New York law being adopted in this matter rather than that of the general government. It was provided, too, that “the age and ability to bear arms, shall be determined by the captain or commanding officer of the company”. Provision was made for organization, personnel, equipment, rank, parades, courts martial, and the like.

This early law was altered and amended from time to time. On February 10, 1809, a law similar to that of 1805 was compiled from the laws of Ohio, New York, Virginia, Vermont, and Connecticut. The first Monday in May was made the day of annual review and inspection, “for the express purpose of examining and taking an exact account of every man’s arms and equipments”. Relief was provided for the wounded and for the widows and children of any who might be killed.<sup>31</sup>

Not all of the alterations and amendments of the Michigan militia laws have been preserved. For instance, the laws of Michigan contain the following reference to a militia act passed on January 15, 1812: “The original roll of this law has been lost, and the only copy, now to be found, is so imperfect, as to render it inexpedient to print it.”<sup>32</sup> Another “lost” act is that of March 15, 1821.

Practically every year witnessed some change in the Michigan militia law. In 1816 provision was made for punishing militia officers who refused to obey the summons of the Governor in certain instances.<sup>33</sup> In 1818 the age limits for militiamen were fixed at eighteen and forty-five.<sup>34</sup> On April 6, 1820, a law was passed making it unlawful for the militia to exercise or parade on the day of an election,

<sup>31</sup> *Laws of the Territory of Michigan*, Vol. II, pp. 51, 53.

<sup>32</sup> *Laws of the Territory of Michigan*, Vol. I, p. 203.

<sup>33</sup> *Laws of the Territory of Michigan*, Vol. I, p. 225.

<sup>34</sup> *Laws of the Territory of Michigan*, Vol. II, p. 137.



“except in case of invasion, or insurrection, or except within their ordinary cantonments”.<sup>35</sup>

Another law of the same year, adopted from the laws of Massachusetts, New York, and Ohio, repealed all former laws on the subject and made even more elaborate provisions for the militia. According to this act the militia was to include all free, able-bodied, white male citizens of the United States residing in the Territory, together with all aliens who had at any time been property holders in the Territory or whose fathers owned property there. The age limits remained the same. Exemptions included “the persons exempted by the laws of the United States, and all priests, ministers of the gospel, physicians and schoolmasters”.<sup>36</sup> Very detailed provisions were contained in this law. Companies were to maintain an enrollment of at least thirty privates. Company, regimental, and battalion parades were authorized; the procedure in courts martial was prescribed in detail including the fines and forms; reports to the Adjutant General were required; and authority was given for drafting men when necessary.

An act of March 15, 1821, provided for a Judge Advocate General for the Territory, and one of August of the same year made certain concessions as to the substitution of company parades for regimental or battalion parades when the distance was great.<sup>37</sup> In April, 1825, all militia laws were consolidated into one comprehensive act of some sixty sections; and two years later this legislation was extensively amended by detailed provisions for company, battalion, and regimental musters, as well as drills for officers. Firemen were at this time exempted from military duty. At this time, too, it was decided that the Adjutant General

<sup>35</sup> *Laws of the Territory of Michigan*, Vol. I, p. 529.

<sup>36</sup> *Laws of the Territory of Michigan*, Vol. I, p. 542.

<sup>37</sup> *Laws of the Territory of Michigan*, Vol. I, p. 233.

should be given \$50 annually "for books, stationery, and in full for all his services as such, payable quarterly". In 1828 the clerks, officers, and messengers of the Legislative Council were exempted from military duty; and in 1831 a third brigade was established.

The Michigan statute which was in force during the time that Iowa was a part of that Territory was an "Act to organize the Militia", approved on April 23, 1833. This law was a consolidation of previous laws with a few changes and additions. Provision was made for the organization of the militia and for the selection of officers. The usual exemptions were allowed, with the addition of "all teachers of schools and other seminaries of learning, and all ferry-men and millers actually employed within the Territory". Firemen to be exempted must belong to a company having an engine.<sup>38</sup> The militia was to consist of "all able bodied free white male citizens, and every able bodied alien within this Territory: *Provided*, That such alien shall have been or resided in this Territory or the United States three years, and the sons of every such alien, who may be between the ages of eighteen and forty-five years".<sup>39</sup>

Provision was made in this act for an Adjutant General's Department, a Quartermaster General's Department, a Paymaster's Department, a Hospital Department, Chaplains, a Judge Advocate General, aides, and a non-commissioned staff. The militia was to "rendezvous by companies in their respective beats, on the first Tuesday in May in every year, at nine of the clock in the forenoon, for the purpose of improving in martial exercise; and also once in each year, between the first and last days of October, by regiment or separate battalion, at such time and place as

<sup>38</sup> *Laws of the Territory of Michigan*, Vol. II, pp. 235, 582, 671, Vol. III, pp. 870, 1220.

<sup>39</sup> *Laws of the Territory of Michigan*, Vol. III, p. 1221.

the commanding officer of the brigade shall direct, for the purpose of inspection, review, and martial exercises''.<sup>40</sup>

#### THE TERRITORIAL MILITIA — WISCONSIN PERIOD

Wisconsin became a Territory separate from Michigan in 1836, and in his first annual message to the legislature Governor Henry Dodge advised that provisions should speedily be made for organizing the militia. These were his words:

The organizing and arming of the militia I consider a subject of great interest to the future peace of the people of this territory, from the great extent of our exposed and defenceless frontiers — situated, as they are, without arms and ammunition, is a state of things calculated to invite a sudden attack from the numerous Indians bordering on our territory. We are now in a state of peace, and it is the proper time to make the necessary preparations to guard against future events. Experience should teach us, and the existing war in the South with the Seminole Indians admonishes us, of the necessity of being prepared. I would recommend the passage of a law organizing one company of volunteer mounted riflemen in each of the counties of this territory, to be composed of sixty men each, exclusive of officers, and non-commissioned officers, with the privilege of electing their officers, to be uniformed and held at all times in readiness to take the field. These companies of mounted riflemen should by law be obliged to muster once during each of the summer and fall months, and every two months during the spring and winter months. Mounted riflemen are the most efficient troops for the protection and defense of our frontier settlements. I would recommend the passage of a law, making it the duty of the Adjutant General of the militia to make a tour of muster and inspection of the militia in each of the counties in this territory, for the purpose of drilling the officers of each regiment of militia, three days in each year before each regimental muster; and, after the muster and inspection of arms, it should be made the duty of the Adjutant General of the militia to report the strength of the militia of each regiment, with the state and condition of

<sup>40</sup> *Laws of the Territory of Michigan*, Vol. III, p. 1223.

their arms: this report to be made annually to the commander-in-chief of the militia. These returns are important to enable the territory to procure from the general government her proportion of the public arms, according to her numbers. The Adjutant General of the militia should receive a liberal compensation, by law, for his services. I would recommend to the Legislative Assembly the justice and propriety of asking of Congress, a deposit in this territory of three thousand stand of arms for the use of the citizens in the event of an Indian war — one-half the number asked for to be rifles, and the remainder muskets, with fixed ammunition prepared sufficient for a campaign of four months. In addition to the rifles and muskets proposed, I would recommend there should be added four light brass field-pieces, not to exceed in weight three hundred pounds, (three pounders,) fixed on carriages, with a supply of fixed ammunition for them. Experience has proven to us that in the first stages of our difficulties with the Indians, we have to depend on our own resources; the granting us the privilege of a deposit of arms might be a great saving to the government in a pecuniary point of view, and might be the means of saving many valuable lives in the event of an Indian war.<sup>41</sup>

Here was a real program for the militia—comprehensive, efficient, and adequate—put forth by a military leader who knew what was needed and proposed to see it accomplished. Here for the first time there is evidence of a genuine attempt to secure an efficient local militia. Governor Dodge knew the dangers and the methods of frontier Indian warfare; he knew that the ordinary militia organization was farcical; and he wanted mounted riflemen who really drilled, who had arms and ammunition, and who were inspected and drilled by competent officers of their own choosing. Whatever may be said at a later date in criticism of the election of militia officers by the men themselves, this system was certainly an improvement upon the one previously in vogue—that is, the appointment of political friends by

<sup>41</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 9, 10.

the Governor. Furthermore, Governor Dodge knew the worth of a well paid Adjutant General who knew his business and could secure the proper returns from his militia officers; but it was years before the Adjutant General was accorded a salary commensurate with his services.

But this clear statement of the need for an intelligent program did not produce the desired militia legislation: the first Legislative Assembly of the Territory of Wisconsin adjourned without having enacted a militia law. Nevertheless there is evidence of militia organization soon thereafter: in the Wisconsin Territorial archives there has been preserved the commission of A. J. Vieau as "first lieutenant of the 9th company of the 3rd regiment, composed of the original county of Milwaukee", signed by Governor Henry Dodge at Mineral Point, Wisconsin on June 1, 1837.<sup>42</sup> As a matter of fact General Dodge did not even wait for the Assembly to sanction his action, but proceeded—apparently under authority of the militia law of Michigan—to organize the militia of Wisconsin Territory. The following notice is found in a Dubuque paper of September, 1836:

I am desirous that a poll should be opened at the general election, for the election of Field Officers of the Militia, to wit:—one Colonel, one Lieutenant Colonel, and one Major, for the County of Du Buque — the returns to be made, in same manner that the general returns made, to this Executive Office.

HENRY DODGE.

To the Sheriff of Du Buque County.<sup>43</sup>

There were at this election four candidates for Colonel, two for Lieutenant Colonel, and three for Major. W. W. Chapman was elected Colonel, Paul Cain was chosen Lieutenant Colonel, and William S. Anderson was named Major

<sup>42</sup> *Wisconsin Historical Collections*, Vol. XI, p. 230.

<sup>43</sup> *Du Buque Visitor*, September 21, 1836.

—all for the County of Dubuque, Wisconsin Territory. Undoubtedly a similar election was ordered and held in Des Moines County. On December 1, 1836, Governor Henry Dodge submitted to the Council of the Legislative Assembly of Wisconsin Territory nominations for militia officers in the several counties. For Dubuque County the nominees were William W. Chapman, Paul Cain, and William S. Anderson, the men chosen by the people. For Des Moines County, Berryman G. Wells was nominated to be Colonel, Oliver Cottle to be Lieutenant Colonel, and Presley Chalfant to be Major. These nominations were confirmed December 1, 1836.<sup>44</sup> The counties of Demoine and Dubuque, lying west of the Mississippi River in what is now Iowa, had been created in September, 1834. These officers were, therefore, in all probability the first militia officers within the present boundaries of Iowa. A general order, dated December 15, 1836, ordered an election in both Dubuque and Demoine counties but no election was held in Demoine County.<sup>45</sup> Soon after this, Governor Dodge appointed Paschal Bequette and Peter H. Engle as aides to the Commander-in-Chief with the rank of Colonel, G. P. Kingsbury as Adjutant General with the rank of Colonel, and Hans Crocker as private secretary to the Commander-in-Chief with the rank of Major.<sup>46</sup>

While Iowa was still a part of Wisconsin the militia was once actually mobilized, according to an early settler who has left a description of "our military trainings". The account as given by this pioneer is as follows:

There was upon a time rumors and fears among many of the good people of Wisconsin, and even our truly brave and worthy

<sup>44</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. III, p. 311; *Du Buque Visitor*, October 19, 1836.

<sup>45</sup> *Iowa News* (Dubuque), October 14, 1837.

<sup>46</sup> *Du Buque Visitor*, December 14, 1836.

Gov. Dodge was of the same opinion, that the remnants of all the lost tribes of Indians, from the Six Nations to the Sacs and Foxes, would be down upon us with a vengeance. So the militia must be organized, armed and equipped. The edict went forth and suddenly there was a mustering in the land. Companies were commanded to assemble on such a day, on such a forty, or such a quarter section, in a particular town and range of the Milwaukee Land District, in Walworth County; and the regiment was commanded to rendezvous on a particular day at the county seat. Oh, for the pen of Irving to describe what transpired! They came, as our friend Cravath hath it — some with hats, and some without; some had coats, and some hadn't; some had shirts on, and some hadn't; and all armed with all manner of weapons from sticks upward. And then as to their maneuverings and their lines of battle. Falstaff and his doughty heroes were veterans to them. School boys a snow-balling, a Virginia worm fence built through the woods by moonlight, are feeble comparisons. Some were armed with pocket pistols in the shape of junk bottles, and they were loaded, weren't they? And they discharged them, didn't they?<sup>47</sup>

The gaps in the records of the early militia of Wisconsin and Iowa are wide, and in places unbridgeable. Because of the scarcity of the records, conjecture must in many places be substituted for actual knowledge. There are records enough to indicate that changes occurred, but no satisfactory account of the events themselves. For example, how did the militia organization of Wisconsin in 1836 succeed? Little is known of its activity, its success, or its failure. Almost a year later we find orders for company, battalion, and regimental musters and elections, and mention of certain volunteer companies which were probably the forerunners of the "active" militia. There was at this time a new Adjutant General for the Territory, and Colonel W. W. Chapman had resigned. Whether or not these changes were due to lack of interest in an inactive paper militia can not be determined. The military orders, at least, were

<sup>47</sup> *Wisconsin Historical Collections*, Vol. VI, pp. 470, 471.

in better form than those produced at a much later period. General Order No. 1 of the Wisconsin militia for the year 1837 is important enough to be included in its entirety:

*Head Quarters, Adjutant General's Office,*  
MINERAL POINT, Sept. 29, 1837

1. The Commander-in-Chief being desirous that the organization of the militia of the Territory should be completed as early as possible, has formed the regiment and extra battalion, into two brigades. The 1st brigade consists of the regimental districts composed of the original counties of Iowa, Du Buque, Des Moines, and Crawford. The 2nd brigade consists of the regimental districts, composing the original counties of Brown & Milwaukee.

2. Col. William S. Hamilton, will assume the command of the first brigade, and Col. Jonathan Whelock, the command of the second brigade.

3. The Colonels or commanding officers of the different regimental districts and the extra battalion now organized, will muster their respective commands between the first and last days of October, at such times and places as the commanding officers of the brigades may direct, and immediately thereafter make a full and complete return to the commandant of the brigade to which they belong. Those returns must contain the names of the officers, their rank, dates of their commissions, corps to which they belong, and the places of their residence. Also — the names of the non-commissioned officers, musicians, and privates, the number, kind and quality of their arms and accoutrements.

4. The commandants of brigades will then consolidate those returns and furnish the Adjutant General with a roster.

5. The volunteer companies are considered as being attached to the regiments within the limits of which they have been formed, and they will be mustered at the same times and places designated for the mustering of the regiments.

6. As the elections for company officers in the regimental district composed of the original county of Des Moines was not held in obedience to the general order issued from this office dated the 15th of December last, the Commander-in-Chief repeats the order that the Colonel or commanding officer, shall, with as little delay as possible, divide his district into beats or company districts; and



order the elections of company officers to be held therein. Each company will consist of one Captain, one 1st Lieutenant and one 2d Lieutenant, and not more than 64 nor less than 30 men, including non-commissioned officers.

7. As soon as the elections shall have been held, and the returns made to the Colonel or commanding officer of the district, he will forward a list of the company officers to this office, and direct the captains to make the enrollment of their districts agreeably to law. The captains will then forward their muster rolls of their companies to the Colonel or Commanding officer, who will consolidate them and transmit them to the office of the Adjutant General.

8. Although the Commander-in-Chief is not aware of any probable interruption of the present relations which exist with the neighboring tribes of Indians, yet he believes that the most certain means of preventing aggression is to be always ready to repel it, he therefore repeats the wish that a company of mounted riflemen or dragoons should be formed in each regimental district, to hold themselves ready armed and equipped, to take the field upon the shortest notice.

9. To those gentlemen who have already associated themselves in volunteer companies the Commander-in-Chief presents his thanks.

By Order of the Commander-in-Chief,

GEORGE CUBBAGE,

Adjutant General.<sup>48</sup>

Five days later the following order was issued from the headquarters of the First Brigade:

Brigade Head Quarters

Mineral Point, Oct. 4, 1837.

PURSUANT to Order, No. 1, of the Commander-in-Chief, dated Sept., 29, 1837, the first Brigade, which consists of the regimental districts composed of the original counties of Iowa, Du Buque, Des Moines, and Crawford, will muster on the 28th of October, either by Regiment or Battalion, at the county seat of the county composing such Regt. or Battalion, excepting the first Regt., the first Battalion of which is composed of the new counties of

<sup>48</sup> *Iowa News* (Dubuque), October 14, 1837.

Iowa, Green and Dane, and will be mustered by Lieut. Col. Abner Nichols at Mineral Point, and the second Battalion, composed of the county of Grant, will be mustered by Major R. W. Gray at Lancaster. The several commanders will issue orders to that effect, and make returns to me at Mineral Point.

WM. S. HAMILTON

Col. Commanding 1st Brigade.<sup>49</sup>

Pursuant to this order there was issued what is perhaps the first militia order in the Iowa country.

REGIMENTAL HEADQUARTERS,

Du Buque, Oct. 12, 1837.

In obedience to Brigade Orders, dated 4th inst. the Captains or commanding Officer of the respective companies in the 4th regiment, will muster their commands on Saturday the 28th inst. at 10 o'clock, A. M. in town of Du Buque, with arms and accoutrements for drill and parade.

PAUL CAIN

Lieut. Col. Com.<sup>50</sup>

On the day the regimental order appeared, a notice was inserted in a local paper to the effect that "on the same day, an election for Colonel, 4th Regiment W. M. to fill the vacancy occasioned by the resignation of W. W. Chapman, will be held in Du Buque." There was also a vacancy in the office of Lieutenant Colonel of the same regiment. This vacancy had been reported to Governor Dodge and Mr. David Sleator was recommended for the position. He was represented as "an old settler of this County and from his gentlemanly deportment and high standing as a citizen, warrant us in saying, that his appointment to that office would give general satisfaction, as well as greatly aid the organization of the militia of this part of the Territory." Mr. Sleator was nominated and made Lieutenant Colonel

<sup>49</sup> *Iowa News* (Dubuque), October 14, 1837.

<sup>50</sup> *Iowa News* (Dubuque), October 14, 1837.

of the Fourth Regimental District on January 15, 1838. The election which had not been held for company officers in Demoiné County in 1836, and which was again ordered by General Order No. 1, dated September 29, 1837, above, must have been held in December, 1837, for on December 30, 1837, an election was held "pursuant to orders at the house of John Burkharts. Burkharts point in Township 71 in the County of Demoiné, Wisconsin Territory". James Hedrick was elected Captain. There were no candidates for Lieutenant or Ensign.<sup>51</sup>

In 1838 the headquarters of the Wisconsin militia was within the Iowa country. General Order No. 1 of that year was issued on the twenty-third of January from the office of the Adjutant General in Burlington. By this order some of the regimental districts were relocated because of the changes and divisions in counties. The fourth, tenth, eleventh, and twelfth regimental districts were west of the Mississippi. Dubuque, Delaware, and Buchanan counties formed the fourth district; Jackson, Jones, Linn, and Benton counties composed the tenth; Clinton and Scott counties made up the eleventh; and the twelfth district included Cedar, Johnson, and Slaughter (now Washington) counties. In Clayton County the militia was constituted a separate battalion. The Commander-in-Chief was desirous that all offices should be filled; and so, if the people neglected to elect, the commanding officer of the regiment or battalion was authorized to appoint the subordinate officers. Again, the hope was expressed that each regiment would include one or two companies of mounted riflemen.<sup>52</sup>

Although Governor Dodge had proceeded with the organization of the militia without action on the part of the Wis-

<sup>51</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. III, pp. 295, 296, 308, 318, 319; *Iowa News* (Dubuque), October 14, 1837.

<sup>52</sup> Document in Archives Division, Historical Department, Des Moines, Iowa.

consin Legislative Assembly, he continued to press for adequate legislation. In his annual message of November 7, 1837, he again emphasized the importance of the militia in the following words:

The organizing and arming the militia I consider a subject of the first importance to the safety of the frontier citizens of this Territory. The militia of the territory have been formed into two brigades, composed of five regimental districts and one battalion district. Elections have been held for the field and company officers, and all the districts, with the exception of one regimental district, have been organized. Five companies of volunteer mounted riflemen, and one of dragoons, have been formed and officered. I earnestly recommend to the Legislative Assembly the propriety of addressing a memorial to the War Department of the Government, asking a supply of arms for the use of the volunteer companies now organized, and for the militia of the territory. I would suggest the propriety of asking for four thousand stand of arms, one-half rifles, and the remainder muskets; and, in addition, I would propose that two hundred pistols and swords should be furnished for the use of volunteer companies of dragoons, with the addition of four light brass field pieces, not to exceed three hundred pounds in weight (three pounders) on carriages, with fixed ammunition for a campaign of four months. [This is practically what he wanted a year previous, with an additional thousand stand of arms.] The Indians of the frontier of this territory are now in a state of peace, but such is the restless disposition of all Indians, that it is difficult to determine when they will commence their attacks on our frontier inhabitants. This is the proper time to make the necessary preparations to preserve the peace that now exists with them. From the great extent of the frontiers of this territory, and the numerous Indians located on our borders, it is important to the safety of the inhabitants, that protection should be afforded them by the Government, which can only be done by having a mounted force stationed at some suitable point on the Upper Mississippi, in advance of our most exposed settlements. Two hundred mounted troops, under the command of a field officer, would be sufficient to range the country from the Mississippi to the

Red Cedar, Iowa and Des Moines rivers. This movement of troops would be a direct check on the Indians who might be engaged in war with each other. Mounted troops ranging the country east of the Mississippi and south of the Wisconsin river to Fort Winnebago, would prevent the frequent incursions of the Indians upon the weak and unprotected settlements bordering on that frontier. I recommend, therefore, that a memorial be addressed to the War Department, requesting to have a mounted force posted in advance of the frontier settlements as early in the next spring season as the grass will sustain the horses. The Indians on the borders of the frontier settlements must see and feel, if necessary, the power of the government to enforce a strict observance of treaties between them; and the presence of mounted troops will produce that dread in the minds of the Indians, which is necessary for the growth and prosperity of the territory, as well as the safety and security of its inhabitants.<sup>53</sup>

About the same time there had been some trouble in the southern part of the Territory over the Missouri boundary line. "It would certainly be an unpleasant state of things," wrote the Governor, "for the constituted authorities of this territory to come into collision with those of the state of Missouri: so far, however, as it rests with me, no encroachments on the rights of our citizens will be permitted, without resistance."<sup>54</sup>

During the session of the Legislative Assembly to which this message was addressed there was passed "An act relating to the militia, and public defense of the territory of Wisconsin", which was approved on January 17, 1838. This was a statute covering some thirty-three pages and was divided into eight titles. Title I prescribed who should compose the militia and who should be exempted. Title II related to the "Appointment of militia officers and the ten-

<sup>53</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 19-21.

<sup>54</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 23.

ure of their offices." Title III was "Of the enrollment of persons subject to military duty." Title IV was "Of the organization, uniform and discipline of the militia." Title V was "Of the several parades and rendezvous of the militia." Title VI was "Of courts of inquiry and courts martial." Title VII was "Of penalties, fines, fees, and expenditures." Title VIII was "Of the duties of certain staff officers, and of various matters connected with their respective departments," which included the Adjutant General and the Commissary General.

Here was a comprehensive statute. But how did it compare with the recommendations and suggestions of Governor Dodge? All militia officers except those of the staff were to be nominated by the Governor and appointed by him with the advice and consent of the Council. The requirements for drilling, while greater than before, did not measure up to his suggestion. One hundred and fifty dollars per annum was allowed the Adjutant General for his services. These provisions reveal the fact that the law simply provided for the continuation of the paper militia which had become so general. On the statute books the act looked good, with its provisions for a Paymaster General, a Commissary General, a Surgeon General, a Quartermaster General, Judge Advocate General, and all the Brigadier Generals, Colonels, Lieutenant Colonels, and Majors. Details were included for the conduct of courts martial and for the collection of fines. There were provisions for brigades, regiments, battalions, companies, platoons, and squads, together with designation of arms and equipment and individual trappings and hangings for each non-commissioned officer; but as a basis for an actual drilling force the law was almost useless. Companies were to parade twice each year and, in addition, were to rendezvous "not less than three nor more than eight days in each year"—

in which provisions we see the beginnings of the summer militia camps so common in recent years. Regiments and battalions were subject to annual review and inspection. Special drill was prescribed for officers and non-commissioned officers.<sup>55</sup> Just how fully this organization was actually carried out is uncertain, but it is recorded that in June, 1838, Governor Dodge appointed Ebenezer Childs of La Crosse as Commissary General with the rank of Colonel.<sup>56</sup>

#### THE TERRITORIAL MILITIA—IOWA PERIOD

Interest in military affairs was at low ebb when the Territory of Iowa was created in 1838. But Iowa was a frontier Commonwealth and there was a feeling that a militia was necessary.

And so Governor Robert Lucas, in his first annual message to the Legislative Assembly on November 12, 1838, offered the following advice:

It has been frequently said, "that to be prepared for war, is the most effectual way to secure peace." This declaration may be emphatically applied to our present situation.

The numerous hordes of warlike Indians occupying our northern and western boundaries, and the restless disposition manifested by some of them, should admonish us to be prepared to defend the Territory against attacks from any quarter, under any circumstances and on all emergencies.

Should the Indians be disposed to hostilities, our frontier from St. Peters to Missouri, would be exposed, and from the position of the United States' troops, we need expect but little or no assistance from them; thus situated, it becomes our duty to prepare to defend ourselves against any possible attack from our Indian neighbors.

This preparation can only be effected by efficiently organizing and disciplining the Militia of the Territory. I am fully satisfied

<sup>55</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 276.

<sup>56</sup> *Wisconsin Historical Collections*, Vol. IV, p. 190.

that were the Militia of the Territory properly organized, equipped and disciplined, that we could defend ourselves against any Indian force that could be brought against us. I therefore call the attention of the Legislative Assembly in an especial manner to this subject, and request that they may pass a law giving to the Militia of the Territory a perfect organization, so as to render them a prompt and efficient defence.

In arranging the details of a Militia law, it should be explicit — 1st, in its organization; 2d, in the distribution of powers and duties to the officers and privates — 3d, the fines and penalties imposed, and the punishments to be inflicted for neglect of duty; vesting in the different grades of officers certain discretionary powers, and holding them strictly accountable for an abuse of them.

I would recommend that the Territory at first, be divided into three divisions, six brigades, and twelve regiments — and that you provide by law, for raising and organizing one company of Artillery in each division, and one company of Rangers to each regiment, to be mounted and armed with rifles, rifle pistols, and short swords. These Rangers would be most efficient against an Indian force, were they armed with Hall's carbines, a brace of rifle pistols with holsters and cartridge boxes, containing cartridges, suited to the bore of the pistols; and when dismounted to have the pistols in a belt, and a short sword. This sword to be most formidable in Indian fighting, should be a short blade about 18 inches in length, strong and double edged, to be used as occasion might require, either to cut away the brush, vines or other obstacles in pursuing the Indians into their hammocks or places of retreat, or as a weapon of defence in close combat with an enemy.

I am satisfied that troops thus organized, equipped, and *disciplined, expressly for Indian fighting, with strict directions never to throw away a fire, nor to halt in pursuit*, first using their *rifles*, then *their pistols*, and as the last resort, their *swords*, would be more than an equal match for an equal number of the most efficient Indian warriors that ever assembled upon our frontier.

In view of our present situation I would recommend to your consideration the propriety of memorializing Congress, to provide us with three six pound brass pieces of cannon, with carriages and equipments complete, and one thousand Hall's carbines, with two



thousand rifle pistols with holsters and cartridge boxes complete, and one thousand short swords, with scabbards and belts; and that government would establish a *depot* of arms and ammunition, at some suitable place within the Territory.<sup>57</sup>

The standing committees appointed in the Council of the First Legislative Assembly included one on Military Affairs, and on Friday morning, November 23, 1838, the chairman of this committee, Jesse D. Payne of Henry County, introduced a bill "to organize, discipline, and govern, the Militia of the Territory". This bill, with certain amendments, passed both houses and was approved by the Governor on January 4, 1839. Thus it became the first militia law of the Territory of Iowa — the only reference to militia found in the Organic Act being the provision that the Governor "shall be commander-in-chief of the militia" and "shall nominate and by and with the advice and consent of the Legislative Council, shall appoint . . . all militia officers, except those of the staff."<sup>58</sup>

Under the law of January 4, 1839, the militia of the Territory was to be arranged immediately into divisions, brigades, regiments, battalions, and companies, and was to consist of infantry, light infantry, riflemen, artillerymen, and dragoons or mounted riflemen. Three divisions were provided for. The counties of Lee, Van Buren, Jefferson, Henry, and Des Moines constituted the First Division. The Second Division included the counties of Louisa, Slaughter, Keokuk, Johnson, Linn, Cedar, Scott, and Muscatine. In the Third Division were placed Clinton, Jones, Jackson, Dubuque, Clayton, Delaware, Fayette, Buchanan, and Benton counties. Detached districts might organize separately.

<sup>57</sup> *Council Journal*, 1838-1839, pp. 9, 10.

<sup>58</sup> *Council Journal*, 1838-1839, pp. 23, 46; *Laws of the Territory of Iowa*, 1838-1839, p. 329; *Organic Act of Iowa*, Sec. 7.

A division was to consist of not less than two nor more than three brigades, and was to be commanded by a Major General; a brigade was to consist of not less than two nor more than five regiments, and was to be under the command of a Brigadier General; each regiment was to consist of not less than five nor more than ten companies, two of which were to be light infantry or riflemen, and for each regiment there was to be one Colonel, one Lieutenant Colonel, and one Major; and each company was to consist of not less than thirty, nor more than one hundred men, exclusive of the commissioned officers, who were to be one Captain, one First Lieutenant, one Second Lieutenant, and one Third Lieutenant. All of these officers were to be appointed and commissioned by the Governor, with the advice and consent of the Council in accordance with the provision in the Organic Act.

The Commander-in-Chief of the militia and the general officers were authorized to appoint aides; and in addition, the Governor was to appoint and commission an Adjutant General, a Commissary General, and a Quartermaster General, each with the rank of Brigadier General, and for each brigade a Brigade Inspector with the rank of Major. Provision was made in the various organizations for officers and non-commissioned officers down to the corporals and musicians of the companies.

The Captain or commanding officer of each infantry or district company was to enroll all free white male persons between the ages of eighteen and forty-five within his district. As to exemptions from military duty the following were specifically named: "Members of the executive, legislative, and judiciary departments of the Government of the United States, and their respective officers, all custom house officers and their clerks, all postmasters and mail carriers actually employed in the care and conveyance of the

mail of the United States, all ferrymen on post roads, the Secretary of the Territory, the members and officers of the Legislative Assembly during its session and fourteen days before and after each session, ministers of the gospel of every denomination, who prove to the commandant of the company, in whose beat or precinct they reside, that they have been regularly ordained or licensed, and are now in full communion with their respective churches, and no others."

Rendezvous by companies was to take place on the first Saturday of May and September, annually. Company and staff officers were to meet for instruction and practice in company drill once a year, and each regiment or battalion was required to hold parade sometime during October. To secure uniformity, manuals of drill instruction were to be provided by the Commander-in-Chief.

Brigade Inspectors were to make detailed inspections on parade days and make returns to the Adjutant General one month previous to the meeting of the Legislative Assembly. Each Brigade Inspector was to receive eight dollars for each regiment or separate battalion inspected and returned as above outlined, and twenty dollars additional, in full, for traveling and contingent expenses.

The Commissary General was given custody and direction of all arms belonging to the Territory, and could lend arms and accoutrements to the officers of any volunteer company having twenty men in uniform. The officers were to give bond for the arms received. Annual reports by company officers as to the condition of arms were called for. Field officers were to provide colors and musical instruments; and musicians were to be paid for their services.

The Adjutant General was to keep complete reports of the militia organization and make annual returns to the Governor and to the President. He was to be allowed and

paid "one hundred and fifty dollars, annually, for book stationery, and in full for all his services as such".

Fines and other punishments were authorized for neglect or refusal to perform military duty, disobedience, disrespect, absence without leave, and similar offenses. A penalty was provided for appearance in ludicrous attire on day of parade. Courts martial were established and their powers and procedure outlined. Fines imposed by a court martial were to be collected with taxes and in the same manner.

Commissioned officers were empowered to call out the militia in case of invasion or imminent danger; and the Commander-in-Chief was given "full power and authority to call out any portion of the militia, either by draft, by the acceptance of volunteers, or *en masse*," on all occasions when he deemed it necessary.

Immediately after the passage of this act, Governor Robert Lucas set the machinery of organization in motion. So far as his part was concerned he determined that the militia should be a success. The act having been approved by the Governor on January 4, 1839, General Order No. 1, defining the boundaries of the regiments and brigades as they had been fixed by law was issued on the day following.<sup>59</sup> This appears to have been the first order issued to the militia of the Territory of Iowa.

Two days later, on January 7, 1839, Governor Lucas issued General Order No. 2 in which he appointed his staff. Ver Planck Van Antwerp of Des Moines County was made Adjutant General of the Territory; Morton M. McCarver of Des Moines County was made Commissary General;

<sup>59</sup> The early records of the Territorial militia of Iowa are mostly missing. General Order No. 1, and a few other later orders, together with some other original documents are to be found in the possession of the Adjutant General in Des Moines. A small number have been filed in the State archives.

James M. Morgan of Des Moines County was appointed Quartermaster General; Peter Hill Engle and John King of Dubuque County, John H. Sullivan of Scott County, and Jesse Williams of Muscatine County were named as aides to the Commander-in-Chief. The rank of these officers was not specified.

On January 9, 1839, Governor Lucas submitted to the Council for approval a list of general officers for the militia. For each of the three divisions there was to be a Major General. Jesse B. Browne of Lee County, Jonathan E. Fletcher of Muscatine County, and Warner Lewis of Dubuque County were named to head the First, Second, and Third divisions respectively. Each division contained two brigades, and hence for each division there were two Brigadier Generals. For the First Division, E. A. M. Swazy of Van Buren County and Augustus C. Dodge of Des Moines County were nominated; for the Second Division, John Frierson of Muscatine County and Jonathan W. Parker of Scott County; for the Third Division, George Cabbage [Cubbage]<sup>60</sup> of Jackson County and Francis Gehon of Dubuque county.<sup>61</sup> On January 18th, the Council advised the Adjutant General that it had approved these appointments. Such appointments, indeed, were usually approved without question, although on February 14, 1842, the Council laid on the table the recommendations of three officers.

Governor Lucas submitted to the Council a list of field officers on January 19, 1839. His communication reads as follows:

<sup>60</sup> Probably George Cabbage, the man who had been Adjutant General of the Wisconsin militia. As Adjutant General he had ranked as Colonel. Now he ranked as Brigadier General but was under the Adjutant General. Was he advanced or demoted?

<sup>61</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 77.

To the Hon. Council of the Legislative Assembly

Gentlemen:— I hereby nominate for your advice and consent the following named gentlemen as field officers to the mili[ti]a of the Territory towit:—

In the first Brigade first Division — first Regiment Francis P. Blevens to be Colonel — John Freeman Lieutenant Col. and Braxton W. Gillock Major.

Second Regiment Obediah Selby to be Colonel Bushrod Cravens Lieutenant Col — and Giles Wells Major —

In the Second Brigade first Division first Regiment George H. Beeler to be Colonel — James M. Thompson Lieuten[an]t Col. and Stephen Geerhart Major —

Second Regiment Samuel Braziltine to be Colonel, Samuel S. Walker Lieutena[n]t Col — and Jacob L. Myares Maj.

In the first Brigade second Division first Regiment John Ronalds to be Colonel Z. C. Inghram Lieutenant Colonel and Robert Childers Major —

Second Regiment John Vannatta to be Colonel Siles S. Lathrop Lieutenant Colonel and William A. Clark Major.—

In the second Brigade Second Division first Regiment Samuel Hedges to be Colonel Elisha H. Shepard Lieutena[n]t Colonel and John Shellar Major.—

Second Regiment James W. Tallman Colonel Prior Scott Lieutenant Colonel and Wm. D. Neely Major.—

In the first Brigade third Division first regiment John H. Rose to be Colonel Charles Swan Lieutenant Colonel and Wm. A. Warren Major.

Second Regiment Charles P. Hutton to be Colonel Hugh Bowen Lieutenant and Col. Thos. L. Dixon Major.

In the second Brigade third Division first Regiment Paul Cain to be Colonel David Slater Lieutenant Colonel and William Myers Major.

Second Regiment Henry F. Lauder to be colonel William W. Wyman Lieutena[n]t Colonel and Robert Hetfield Major.

Respectfully submitted

by Your Obt. Sert.

ROBERT LUCAS.<sup>62</sup>

<sup>62</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, pp. 91, 92.

The plans for the Territorial militia were somewhat ambitious. There were less than twenty-five thousand men, women and children in the entire Territory, yet it was proposed to form three divisions of the militia from the men between eighteen and forty-five. It was scarcely to be expected that all the companies would organize.

Moreover, the numbering of the general orders for the governance of the militia is somewhat confused, and it is difficult to tell just what orders were issued. Some numbers are duplicated. For the most part, each year starts with No. 1; but sometimes this rule was violated. Thus General Order No. 8, is dated December 17, 1839; while the next one located is No. 9, dated August 5, 1840. Sometimes orders were not given any number. A general order of the latter kind, dated March 25, 1839, directed the division of the regiments into company districts and recommended that officers be commissioned. The suggestion was made that the men in each company be permitted to elect officers if they chose to do so.

General Order No. 5, issued later in the same year, made more staff appointments. Four men, all of Des Moines County, were made militia officers. Dr. Enos Lowe was made Surgeon General, William M. Devoe Paymaster General, Charles Weston Judge Advocate General, and John B. Newhall Military Secretary to the Commander-in-Chief.<sup>63</sup>

Staff officers were also appointed for the commanders of the various regiments. Under date of April 15, 1839, recommendations of the staff officers for the First Regiment, First Brigade, Third Division, were submitted. Enoch A. Wood was nominated for Surgeon, Oliver A. Crary for Paymaster, John T. Sublett for Quartermaster, and James K. Moss for Adjutant.<sup>64</sup>

<sup>63</sup> From the original in the office of the Adjutant General in Des Moines.

<sup>64</sup> From the original in the office of the Adjutant General in Des Moines.

Apparently the field officers had busied themselves in the organization of their company districts, for in July, 1839, Governor Lucas wrote:

We have not yet completed our militia organization. The Territory is divided into three Divisions, Six Brigades, and Twelve Regiments. The General and Field offic[e]rs, have all been appointed, and commissioned, and some of the Regiments have completed their company organization, and the others are progressing, and I trust will soon all be completed. The Regiments may not at this time contain a full compleme[n]t of men yet I have reason to believe they will in a short time (by the unparalleled flow of immigration into our Territory) be filled. We have in this Territory two companies of Dragoons organized and several companies of Light troops.<sup>65</sup>

A continuation of this progress was urged by a general order of August 12, 1839. All commanders were directed to complete the organization of their commands, and to ascertain the numerical strength thereof. Musters by regiments were directed to be held and returns sent in.<sup>66</sup> Beginning in May, 1839, the returns of the elections of company officers had begun to come in, and from August on through October the office of the Adjutant General was flooded with reports.

All officers were given certificates of their commissions, signed by the Commander-in-Chief. Each man commissioned was required to take an oath similar to the following:

I, Ludwell P. Farris do solemnly swear that I will support the Constitution of the United States that I will not either directly or indirectly engage in duelling<sup>67</sup> during my continuance in office and will faithfully discharge the duties of Lieutenant Colonel of

<sup>65</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 126.

<sup>66</sup> From the original in the office of the Adjutant General in Des Moines.

<sup>67</sup> Only a few of the oaths contained this provision.



the second Regiment second Brigade first Division of Iowa Militia so help me God.<sup>68</sup>

Mr. Farris had been appointed Major of the Second Regiment on December 9, 1839.

The Territorial militia law made it the duty of the Governor to procure the instructions and regulations used by the United States army, but made no appropriation therefor. Governor Lucas wrote to Secretary of War J. R. Poinsett, on July 9, 1839, to see if some books of instructions could be obtained. "I have examined various works on the subject," wrote the Governor, "and have been lead to give the preference to the system of instructions and regulations recently compiled by *Brevet Captain Cooper*, under the supervision of *Major General Alexander Macomb*, as being the best elementary work extant, and well adapted to the use of the militia. I would therefore respectfully inquire whether we could be furnished by the war department with a sufficient number of these for the instruction of the officers of our Territorial militia."<sup>69</sup>

At the same time Governor Lucas made a request for arms in these words:

Could we be furnished with a few hundred stands of Hall's Carbines, Horsemens Pistols, Sabres, Rifles, and the various accoutrements, and munitions of war—necessary to enable us to defend ourselves in case we should be exposed to depredations from the neighboring Indian tribes, it would add much to our security. We are at present in a very defenceless situation, in this Territory, our entire western frontier is exposed from St. Peters on the Mississippi to the Council Bluffs on Missouri, and no public arms or mun[i]tions of war within our reach, or none nearer than

<sup>68</sup> This oath was written in long hand on the back of the commission of Ludwell P. Farris, in the office of the Adjutant General in Des Moines. The date of the commission was July 31, 1840. It was sworn to August 28, 1840.—Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 216.

<sup>69</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, pp. 125, 126.

Prairie De Chien, which is at the north point of our settlements and too remote to be of any service to us. Could we be furnished with a sufficient supply of arms and munitions of war, I am satisfied that with a proper organization, of our Territorial militia we would be able to defend ourselves against the depredations from Indians. I would therefore, most respectfully suggest to the consideration of the War Department, the propriety of establishing within the Territory at some central point on the Mississippi a Depot of Public arms and military stores sufficient for the supply of the militia of the Territory in case of need.<sup>70</sup>

The acting Secretary of War answered this letter on August 7th stating that "the department at that time had no means at its disposal, that would enable it to furnish the work referred to; but that the matter would be submitted to the Secretary of War on his return to the seat of Government for his consideration." Ordnance could not be issued outright to the Territory of Iowa because the militia was incompletely organized, and hence no returns of militia had been made to the Adjutant General of the Army of the United States. Indeed, no returns were made down to the time of the Civil War. "Issues of arms to the States and Territories, under the law of 1808, can be made only on the militia returns, which is indispensable in distributing the number due," wrote the Chief of Ordnance in this connection. That the Territory might, in the absence of such returns, have a resource in case of need, he continued, "I would respectfully suggest that a suitable place be selected and a deposition of arms, accoutrements, and ammunition be made, the whole to remain in the custody of the United States subject to the order of the Governor of the Territory, in certain contingencies to be specified. It appears to me, that any other disposition of public arms would lead to disappointment in case they were

<sup>70</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, pp. 126, 127.

relied upon for our future service. Some central point on the Mississippi is named as a proper location for the depository of arms. Fort Armstrong and Prairie du Chien, would both be safe places, and are under the control of the government. My limited knowledge of that part of the country forbids the attempt to name at once a more suitable place."<sup>71</sup>

It was very soon after this that necessity arose for calling the Territorial militia to the field and trying out their new organization. The ardor of their response was commendable, but their organization and discipline left much to be desired.

The boundary line between Missouri and Iowa had been in dispute for years. Increasing settlements along the border caused more and more friction. Finally, in 1839 the authorities of Clark County, Missouri, tried to collect taxes in Van Buren County, Iowa. On July 29, 1839, Governor Lucas issued a proclamation urging vigilance in the protection of the rights of the citizens of the Territory; but he counselled abstention from aggression. The people of Clark County, Missouri, were indignant. Governor Boggs issued a proclamation, which in turn brought forth a reply from Lucas.

In November the sheriff of Clark County was arrested by the sheriff of Van Buren County, whereupon reports soon came that an armed force was gathering on the Missouri side. Governor Lucas forwarded blank military commissions to General Swazey to fill in should he find it necessary. Adjutant General Van Antwerp was despatched to Van Buren County to aid by his "council and advice". Major Generals Brown, Fletcher, and Lewis were ordered to furnish whatever force the United States Mar-

<sup>71</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 114.

shal might desire from their three divisions to act as a posse comitatus to aid the civil authorities in preserving order and repelling invasion. The situation became critical and militiamen from all parts of the Territory started for the border.

A motley force of from five hundred to a thousand Iowa citizens, unorganized, inadequately armed, and poorly clothed, led by such men as S. C. Hastings, James W. Grimes, Jesse B. Browne, and Augustus C. Dodge, gathered at the town of Farmington in Van Buren County. Across the border a similar force from the militia of Missouri was gathered at the small town of Waterloo. But in this case history did not repeat itself: there was no battle of Waterloo in the Missouri-Iowa Boundary War. On the thirteenth of December a deputation from the Iowa "army" proceeded to Waterloo, to see if an amicable arrangement could not be made. They found the Missouri forces dispersed and hostilities suspended. Returning with the good news, the posse from Iowa "packed its pots and kettles, folded its tents, and, shouldering its nondescript arms, took its homeward way across the Territory."<sup>72</sup>

The stories of the marches made by the various units of the Iowa militia to places of rendezvous make interesting reading. In the north part of the Territory was an organization known as the Hunters of Turkey River. Dubuque was their place of rendezvous. An early writer gives the following pen picture of their gathering:

The sun had already risen, shedding a flood of golden light along the summit of the snow capped hills on the west. From every direction the Hunters of Turkey River were now seen hurrying to the scene of rendezvous.— Here might have been seen a group of marksmen firing at a target — there a party collected to discuss

<sup>72</sup> Parish's *Robert Lucas*, p. 253; Upham's *Iowa and War in Iowa and War*, No. 5, p. 12.

the probable result of the war, while a blazing bonfire invited the greater number to partake of the genial heat that it imparted; near which was seated Ensign Baker, astride a barrel of liquid ammunition with a roll of parchment, enlisting recruits for the bloody call of his country, while the martial music of the soul stirring drum and fife were yielding their best efforts to arouse the latent spark of patriotism, that had become nearly extinguished by the long continued peace of the Republic. The various subordinate officers were shouting the orders of the Colonel, second handed,

“Hunters of Turkey river, fall into line!

— Eyes right! Shoulder arms!”<sup>73</sup>

It was chronicled of this unit that they got lost on their way to Dubuque, but finally reached the outskirts late at night, where they camped and waited to be escorted into town the next day by the Mineral Blues—the earliest military organization of Dubuque. Their activities were summed up as consisting of “the reception—the presentation of flag by ladies of city—Military Ball—order to disband—homeward tramp—the Landlord’s bill.”<sup>74</sup>

In General Order No. 8, dated December 17, 1839, United States Deputy Marshal G. A. Hendry “embraces the opportunity to express the high gratification experienced by him in witnessing the alacrity and ardor with which the Militia of the Territory have responded to the call recently made upon them, and to tender to both officers and privates his cordial and earnest thanks for the energetic, and truly soldierlike manner in which they have demeaned themselves upon this trying occasion.” Adjutant General Van Antwerp in the same order expressed his satisfaction in the following words:

When it is considered under what circumstances this call has

<sup>73</sup> *Bloomington Herald*, December 1, 1843.

<sup>74</sup> During their festivities this toast was given: “May every man be called a coward, that returns from the war, without a pair of breeches made from the hide of a Missourian.”— *Bloomington Herald*, December 1, 1843.

been made upon the militia of Iowa and the promptitude with which it has been met, to aid the civil authorities in enforcing the laws of the Territory, and of the United States, when the shortness of the notice — the comparatively unarmed and illy supplied condition of the troops — the extreme inclemency of the weather — and the cause in which it has been required — for just and true as that cause is, it was against their neighbors and fellow citizens of an adjoining state, and not against a common foe that it was to be defended — when these facts are remembered, too warm an expression of approbation can hardly be bestowed upon the citizen soldiers of Iowa, for the patriotic firmness with which they have borne themselves in the crisis through which they have just passed, and the Commander-in-chief deems it due to them to say that under different circumstances — as under those which have now presented themselves — with a common enemy to contend against, and with arms, ammunition and supplies, such as they should be provided with, he desires no more reliable force to repel invasion, or to defend the rights of Iowa, than is to be found in the patriotic Militia.<sup>75</sup>

In some parts of the Territory there had been hesitancy about enlisting for this service through fear that the pay would not be forthcoming. Apparently this fear was well grounded; since Congress repeatedly refused to provide payment for the officers and men called into service at that time, although several memorials on the subject were addressed to them by the Iowa legislature. At the annual muster in 1840, Lieutenant D. Ruggles of the Fifth United States Infantry was present “for the purpose of mustering, and receiving the muster rolls (*preparatory to the payment of troops*) of such portions of the Militia of the Territory as were called into service upon the requisition of the United States Deputy Marshal, in the month of December last.”<sup>76</sup> All the units that started for the

<sup>75</sup> From the original in the office of the Adjutant General in Des Moines.

<sup>76</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 282, 283; *Iowa Territorial Gazette and Advertiser* (Burlington), August 8, 1840.

border must have responded, since forty muster rolls were turned in. Lieutenant Ruggles reported the amount "properly payable out of the National Treasury, in consequence of the boundary dispute, to be something upwards of thirteen thousand dollars", but the claim was not allowed.<sup>77</sup>

During the Missouri Boundary War the Legislative Assembly of Iowa was in session at Burlington. Governor Lucas had laid before the members the letters he had received from the acting Secretary of War in the hope that it would "convince them of the necessity of perfecting the organization of the militia of the Territory as speedily as practicable."<sup>78</sup>

He explained to them that, in compliance with the law, the militia had been organized, the general and field officers appointed, and in all regiments except the one composed of Henry and Jefferson counties company officers had been appointed and commissioned. "Some of the regiments are organized entire, and others partially so; but no return of the numerical strength of the militia of any of the regiments have yet been received by the adjutant general. By reference to the report of the ordnance department, it will be seen that no arms can be drawn from the United States until our militia organization is completed, and the numerical strength reported to the adjutant general of the army of the United States. The tardiness in completing the organization of the militia may in a great measure be attributed to a want of a correct knowledge of the militia laws of the Territory. I therefore suggest the propriety of causing the militia laws of the last session of the Legis-

<sup>77</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 350; *Laws of Iowa, 1843-1844*, p. 163.

<sup>78</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 114.

lative Assembly, together with such parts of the Wisconsin laws as are still in force, to be printed in pamphlet form, and distributed among the militia officers of the Territory; and that additional provisions be made to cause prompt and full returns of the numerical strength of each regiment, to be transmitted to the adjutant general of the Territory, to be by him transmitted to the adjutant general of the United States, so that in apportioning the public arms under the act of 1808, the Territory of Iowa will receive her full portion of the same."<sup>79</sup>

A few days later Governor Lucas received a letter from the Secretary of War informing him that "fifty copies of the wourk [Cooper's Tactics] would be immediately forwarded . . . through the Quarter Master of the Army."<sup>80</sup> "This number", answered the Governor, "will aid us in laying a good foundation for the instruction of our Militia. It will furnish each gene[r]al and field Officer with a copy, and if our Militia should attain to that perfect organization that is desired, a correct knowledge of di[s]ciplin[e] and tactics may be diffused throughout the whole body by the active exertions of their officers."

Presumably these books were received, although they had not arrived on January 4, 1840.<sup>81</sup> Some were surely received, for under date of August 10, 1840, Henry Hardman of Cedar County wrote to Governor Lucas<sup>82</sup> complaining because of "a great, imposition practiced on the Company Officers of the 1st Company of Infantry in the 2dR. 2dB. 2dD. of Militia I. T. & that is this, in Distributing the Mili-

<sup>79</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 115.

<sup>80</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 210.

<sup>81</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 231.

<sup>82</sup> Correspondence in the Archives Division, Historical Department, Des Moines.



tary Books there is not one sent to any of the Company under my command, and only three in the Regiment”.

In writing to the Secretary of War, the Governor mentioned the difficulty encountered in organizing the militia. “I meet with much difficulty”, he said, “in effecting the organization of our Territorial Militia. It appears to be attended with extreme difficulty to prevail on men of competent military abilities to accept of commissions as company Officers—tho’ I trust this will ultimately be accomplished.” He again brought to the attention of the Secretary the need for arms to be deposited at Fort Armstrong, and indicated the kinds of arms needed in the conduct of operations against the Indians on the northwestern border.<sup>83</sup> Indeed, the early Governors found the problems of frontier defence and militia organization closely associated in Territorial administration.

No militia legislation was passed by the Second Legislative Assembly, despite the urgings of the Governor and the Missouri boundary difficulty. The members did, however, approve recommendations for field and company officers for the three divisions, including seventy-five companies.<sup>84</sup>

Organization continued to progress in some places, to decline in others, and to stand still in others. Some idea of the status of the militia can be gathered from the returns of the annual muster of 1840. Regimental muster was authorized by General Order No. 8, issued under date of August 5, 1840, from headquarters at Burlington. In the First Brigade of the First Division, the First Regiment was to muster at West Point in Lee County on Saturday, August 22nd, the Second Regiment in Van Buren County on Monday, August 24th, the Third Regiment in the same

<sup>83</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 210.

<sup>84</sup> *Journal of Executive Session of Iowa Council*, January 14, 1840.

county on Tuesday, August 25th, and the Fourth Regiment at Montrose in Lee County on Thursday, August 20th. In the Second Brigade of the same Division, the First Regiment was ordered to muster at Burlington in Des Moines County on Saturday, September 5th, the Second Regiment at Mount Pleasant in Henry County on Saturday, September 29th, and the Third Regiment at Fairfield in Jefferson County on Thursday, September 27th.

In the Second Division musters were provided for by counties. Apparently the organization was less perfect. In the First Brigade, the First Regiment from Louisa County was to muster on September 9th, and the Second Regiment from Muscatine County on September 12th. In the Second Brigade, the First Regiment from Scott County was scheduled for September 18th and the Second Regiment from Cedar County for September 15th.

In the Third Division the outline of the muster was even more sketchy. In the First Brigade, the Second Regiment from Jones County was to muster on September 26th. The First Regiment was to muster on September 22nd, but no place was designated. In the Second Brigade, the First Regiment was to muster at Dubuque on September 29th; while the Second Regiment was given neither time nor place for muster.<sup>85</sup>

The muster in Burlington must have been of fair proportions and carried off in military style since the local paper contained the following comment:

There was a large parade of the militia of this Regiment on Saturday last, under the command of Colonel Temple. So gratifying a scene has never before been witnessed in this Territory. They were reviewed by his Excellency the Governor and Commander-in-chief, and by Lieutenant Ruggles, Assistant Inspector General of the United States Army, who was present for the pur-

<sup>85</sup> *Iowa Territorial Gazette and Advertiser* (Burlington), August 8, 1840.

pose of receiving the rolls of such as had turned out on occasion of the late difficulties with Missouri. Everything passed off in excellent style.<sup>86</sup>

Major Henry King was Brigade Inspector for 1840, and the records show that for the year of 1840 he received \$50 for services. Indications are that the salary of the Adjutant General was \$150 per year.<sup>87</sup> In the First Brigade of the First Division, the Second Regiment was the only one which held muster. This regiment had three hundred and thirty-four rank and file. Of the regiments which were not mustered, Major King stated that "according to the population I would estimate them at about the same strength which would make 1336 Rank & file in the 1st. Brg. 1 Div."<sup>88</sup> All kinds of reasons were given for the failure of the troops to muster. Chief among these were sickness, impassable roads, and ignorance of the militia law.

The return of the First Regiment of the Second Brigade of the First Division listed three commissioned field officers, three non-commissioned field officers, four non-commissioned staff officers, thirty commissioned company officers, fifty-four non-commissioned company officers, four musicians, and eight hundred and fifty-two privates, a total of nine hundred and fifty. In this assembly there were five muskets, fifty-eight rifles, three drums, two fifes, and one bugle. "The arms are old muskets, and with very few exceptions, unfit for active service." One company of this regiment was not present.<sup>89</sup>

<sup>86</sup> *Iowa Territorial Gazette and Advertiser* (Burlington), September 12, 1840.

<sup>87</sup> *Iowa Territorial Gazette and Advertiser* (Burlington), November 14, 1840; *Council Journal*, 1843-1844, p. 231.

<sup>88</sup> From the original return made by Major King in the office of the Adjutant General at Des Moines, dated November 4, 1840.

<sup>89</sup> From the original return dated November 12, 1840, in the office of the Adjutant General at Des Moines.

The return from the Second Regiment of the First Brigade in the Second Division did not show a very flourishing condition. Out of the six companies but three mustered, and only one of these made a return, largely because of a lack of officers. One company had some one hundred and twenty-three men and a Captain. In the other five company districts there were about fifty men each. Company No. 4 had a Second Lieutenant. These two officers were the only ones in the regiment.

On July 27, 1840, Governor Robert Lucas refused to approve an act passed by the extra session of the Legislative Assembly, which declared "that all the Acts of the Territory of Michigan, and the Territory of Wisconsin which are in force in the Territory of Iowa on the 4th day of July in the year one thousand eight hundred and thirty eight, are hereby repealed." This act, the Governor said, would repeal, among others, the Wisconsin militia law, which would "disorganize to a great extent, the militia of this Territory: as the militia laws passed by the Legislature of this Territory at its first session can be viewed only as supplement to the Wisconsin acts and does not provide for a general organization."<sup>90</sup>

The Legislative Assembly passed the act over the Governor's veto,<sup>91</sup> but during the same session adopted "An Act to organize, discipline, and govern the Militia of this Territory", which was practically a reënactment of the Wisconsin militia law, with a few unimportant changes. Certain additions with reference to mounted riflemen were made, but the bulk of the law was the same as to titles, articles, and sections.

<sup>90</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 177.

<sup>91</sup> Title II of the new law appeared as "OF THE APPOINTMENT OF MILITIA OFFICERS AND THE TENOR OF THEIR OFFICES."—*Laws of Iowa* (Extra Session), 1840, pp. 20, 23, 24.

In his message to the Third Legislative Assembly the Governor again referred to military affairs. He respectfully suggested "the expediency of authorizing by law, the organization of a number of mounted volunteer riflemen, say one company at least to every regiment of militia within the Territory, with authority for the commandant of any brigade to increase the number to a battalion within his brigade, and to provide for calling them into service in case of Indian depredations or threatened invasion. This precautionary measure can do no harm, and may ultimately secure our frontier from an Indian war."<sup>92</sup> During this session more field and company officers were nominated by the Governor.<sup>93</sup>

Through 1840 and 1841 volunteer companies were formed, officers elected, and commissions sought in all parts of the Territory. A letter from H. H. Sibley came to the Governor from as far away as the River St. Peters, dated February 13, 1841, and received March 22, 1841, which conveyed the news that a company of volunteer mounted men had been formed the summer before and commissions received for all but the third lieutenant. And the usual question was asked: "Will we get arms?"<sup>94</sup>

Occasionally it became necessary to discipline the officers. A general order issued from Iowa City under date of February 5, 1841, revoked the commission of S. C. Trowbridge as Colonel of the Third Regiment in the First Brigade of the Second Division, "in consequence of the entire failure and neglect of said Trowbridge to organize said Regiment in conformity with the laws."<sup>95</sup> In 1843 several officers

<sup>92</sup> *Council Journal*, 1840-1841, p. 13.

<sup>93</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 268.

<sup>94</sup> From the original in the Archives Division, Historical Department, Des Moines.

<sup>95</sup> From the original in the office of the Adjutant General in Des Moines.

were tried by court martial for various offenses.<sup>96</sup> Sometimes the officers resigned on their own account. Thus on September 3, 1840, Charles Swan resigned as Lieutenant Colonel of the First Regiment, First Brigade, Third Division, because another man had been promoted over his head. Major William A. Warren of the same regiment resigned on January 15, 1841. "I do it," he wrote, "for the Reasons that you have placed those over me, that I consider my inferior . . . to be Ranked by a *Yanky Clock Pedler* would be submitting to an insult not only offered myself but those of the Brigade. My friends solicited Gen. McDonald to recommend me for that office, he said he would gladly do so—but you would not appoint me I know not what I have done to cause your displeasure—as I have done nothing) nor do I care."<sup>97</sup>

Whether or not this criticism was justified, there is abundant evidence that militia offices were given quite freely as political favors. In the late fifties the Columbus City Union Guards got almost anything they asked in the way of arms and equipment because one of their officers, Wesley W. Garner, was a political supporter of the Governor. In connection with some favor asked by another company some years later it was urged upon the Governor that "all of them being political friends of yours, should entitle them to the prompt granting of the favor at your hands."<sup>98</sup>

The returns sent in by the Brigade Inspector for 1841 showed the same lack of interest and neglect of duty in regard to military matters that had marked the musters of

<sup>96</sup> From an order issued from the headquarters of the Second Division, April 14, 1843, in the Archives Division, Historical Department, Des Moines.

<sup>97</sup> Letter to Governor Lucas, in the Archives Division, Historical Department, Des Moines.

<sup>98</sup> Letter from S. A. Hudson, Burlington, to Governor Lowe, dated February 10, 1858, in the Archives Division, Historical Department, Des Moines.

1840. Many companies did not report at all. Of those inspected, several were volunteer companies of dragoons, some of whom had mounts. Major King sent in a report of delinquents. Of those who appeared, he reported as follows:

The General and Staff officers came on Parade well equipped and did their duty admirably well.

Comidantants of Regiments and their subordinate officers paid strict attention to their duty while on review and Inspection.

The men observed the best of order — those that were present but many officers paid no attention to orders. I strictly enjoined it on all the officers to organize and make returns from time to time as is required by Law.<sup>99</sup>

In the session of 1841–1842 Governor John Chambers made no plea for the militia. Indeed, he may have reflected popular indifference to military matters in his suggestion that “there is a very industrious and valuable class of our population, who conscientiously scruple to bear arms, in whose favor there is no exemption provided by our militia laws; I would recommend that provision be made for such cases, leaving them subject in time of war to pay an equivalent for personal service.”<sup>100</sup> At this session the legislature passed an amendment to the militia law providing for the exemption of certain officers and enlisted men who had served in other districts. It also provided that officers who accepted commissions in the Iowa militia could not resign them within two years without showing good cause.<sup>101</sup>

Apparently interest in military affairs had reached a low ebb. Governor Chambers in his message to the Legislative Assembly of 1842–1843 spoke of the “almost total failure

<sup>99</sup> Return by Major King dated October 12, 1841, in the office of the Adjutant General in Des Moines.

<sup>100</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 255, 256.

<sup>101</sup> *Laws of Iowa*, 1841–1842, pp. 95, 96.

of the officers of our militia to make returns of the numerical strength and equipment of their respective commands as required by law", thus making it impossible to secure a proper distribution of arms from the general government. "Such is the universality of this gross negligence of duty," he continued, "that it seems to leave the executive authority no means of correcting the evil but by a resort to the onerous duty of a general dismissal of delinquents from command, leaving it doubtful whether others could be found to fill their places who would perform the duties with more efficiency. I would, therefore, respectfully suggest for your consideration the propriety of imposing pecuniary penalties for this description of official delinquencies; and (as it would be difficult, if not impossible, under existing circumstances, to constitute a military court, in which the judges and the accused would not be found equally in default) to commit the enforcement of such penalties to the civil tribunals."<sup>102</sup> And yet there must have been some military activity during this time, since \$671 was paid out to the Adjutant General and Brigade Inspectors between March 12, 1840, and December 6, 1843.<sup>103</sup> During the same period \$170 was paid to military officers and the president of a court martial.<sup>104</sup> From December 6, 1843, to May 15, 1845, it appears that \$369.75 was expended in payment of the Adjutant General, Brigade Inspector, Judge Advocate, Marshal, and members of a court martial, and for the printing of military commissions. From May 15, 1845, to December 22, 1845, the records show that \$114.00 was paid out to the Adjutant General and Brigade Inspector.

<sup>102</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 266, 267.

<sup>103</sup> *Council Journal*, 1843-1844, p. 231.

<sup>104</sup> John W. Brown and David R. Warfield were Brigade Inspectors at this time.—*Council Journal*, 1843-1844, p. 234, 1845, p. 205, 1845-1846, p. 252.



Governor Chambers in his message to the Sixth Legislative Assembly again made mention of "the almost universal neglect of the officers of the militia to perform their duties"—especially as to returns to the Adjutant General. "No change has taken place in this respect, and if the means of putting arms into the hands of our militia is deemed important to the safety of our extensive and exposed frontier, I would again recommend the adoption of such measures as will enable us to obtain them." He also spoke of the "causes which render hopeless any effort to enforce the performance of the official duties of our militia officers, by military means"—a matter which he had explained during the previous session.

This session of the Legislative Assembly passed an act which repealed "all acts or parts of acts which now require militia drills, musters, trainings, inspections or reviews, in time of peace".<sup>105</sup> It was made the duty of assessors in the several counties, "at the time they return their assessment rolls, to return to the clerk of the board of county commissioners the names of all able bodied males, between the ages of eighteen and forty-five years, resident in each township or precinct in their respective counties; and it shall be the duty of said clerks to make out and return forthwith to the adjutant general of this Territory complete abstracts of the number of such able bodied males, which abstracts the said adjutant general shall file and carefully preserve in his office." The Adjutant General was to receive one hundred dollars per annum for his services. In addition a Fourth Division of the militia was formed. In the First Brigade were placed the counties of Davis, Appanoose, Wapello, and Kishkekosh. The Second Brigade included Keokuk, Mahaska, and Poweshiek counties.<sup>106</sup>

<sup>105</sup> *Laws of Iowa, 1843-1844*, p. 54.

<sup>106</sup> *Laws of Iowa, 1843-1844*, pp. 55, 56.

The Seventh General Assembly revived, reënacted, and declared in force the militia laws of the Territory and by this act annulled all former repeals of these laws. It was also provided that "for the purpose of keeping up the organization of the militia of this Territory, and to enable the officers to make full returns of the strength of the militia, each company, and regiment or battalion shall rendezvous once in each year in the month of September, at such time and place as their respective commandants may direct; but no regiment, battalion or company shall be required to rendezvous more than once in each year, anything in the aforesaid acts to the contrary notwithstanding." <sup>107</sup>

The Eighth Legislative Assembly virtually abolished the militia system by enacting the provision that "all laws now in force in this Territory allowing compensation to any military officer, for any military services whatever, be and the same hereby are repealed." This act was approved on January 3, 1846.<sup>108</sup> Apparently the members of the Assembly did not realize that war with Mexico was imminent.

When the call came in 1846 for soldiers to enlist in their country's service to fight in the war with Mexico, there was little left of the militia organization of the Territory. The regimental districts were defined, but little or nothing was done in the way of musters or drills. Here and there were remnants of volunteer companies which had dwindled to almost nothing. A few officers retained commissions granted earlier in the decade. And so there was no organized military force which could be called out in 1846. Iowa was asked to furnish one regiment of militia to be enrolled but not called into immediate service. The regiment was "to consist of ten companies, each company to have one Cap-

<sup>107</sup> *Laws of Iowa*, 1843-1844, pp. 33, 34.

<sup>108</sup> *Laws of Iowa*, 1845-1846, p. 6.

tain, one First and one Second Lieutenant, four Sergeants, four Corporals, two Musicians and sixty-four Privates.”<sup>109</sup>

Governor James Clarke issued a proclamation to the “citizen soldiery of Iowa”, calling upon them to respond promptly. It was “especially enjoined on all officers holding military commissions that they be active and vigilant in their efforts to assist in raising the force called for by the President.”<sup>110</sup>

The commissioned personnel of the Territorial militia was called upon to assist in securing enlistments, and quotas were given to each divisional district. Governor Clarke “issued the necessary orders to the officers of the different divisions of the Militia for the speedy enlistment of volunteers”. These officers in turn called upon their subordinates to carry this into effect. Ralph P. Lowe was in command of the Second Division which was asked to furnish three companies. He issued a circular urging the commandants of the several regiments composing this division to secure volunteers.

Thus while the militia as such did not participate in the War with Mexico, many of the men who enlisted had been members of the various militia companies. While the Iowa regiment was never called into service, four independent companies of Iowa men were mustered into the service of the United States during this conflict. Only one, Company K, Fifteenth United States Infantry, saw active service. The Mormon Battalion of Iowa Volunteers also represented the State. The chronicle of Iowa men in the Mexican War has little connection with the Iowa militia, although it is an integral part of the military history of Iowa.

<sup>109</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 357; Upham's *The Mexican War in Iowa and War*, No. 12, p. 3.

<sup>110</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 356, 357; Upham's *The Mexican War in Iowa and War*, No. 12, p. 6.

## THE EARLY STATE MILITIA

Iowa was admitted to the Union in December, 1846. Article seven of the Constitution adopted at the time contained the following provisions on the militia:

1. The Militia of this State shall be composed of all able bodied white male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace; provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

3. All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.<sup>111</sup>

The rejected Constitution of 1844 contained the mandatory provision that the legislature "shall provide by law for organizing, equipping, and disciplining the militia of this State", but the language of both the Constitution of 1846 and the Constitution of 1857 was directory.

The Constitution of 1846 also provided that the "money which shall be paid by persons as an equivalent for exemption from military duty" should be applied to the school fund,<sup>112</sup> and that the "Governor shall be the commander-in-chief of the militia, the army, and navy of this state."<sup>113</sup>

Conditions in Iowa from 1846 to 1860 were such that it is difficult to determine just what was the status of the militia. There was practically no constructive legislation during this period, and the militia law inherited from the Terri-

<sup>111</sup> *Constitution of Iowa*, 1846, Art. VII. The word white was stricken out in 1868.

<sup>112</sup> *Constitution of Iowa*, 1846, Art. X, Sec. 4.

<sup>113</sup> *Constitution of Iowa*, 1846, Art. V, Sec. 5.

tory remained a dead letter. The Governor claimed to be powerless, although the Territorial militia law had not been repealed. Had he attempted to act under it, however, it is not probable that he could have accomplished much: the General Assembly was indifferent and at times trifling in its treatment of militia matters during the period just preceding the Civil War.

On the other hand, there was great activity during this period in the organization of volunteer militia companies which were largely social in character. When compelled to organize under the Territory, the men of Iowa had been reluctant to do so. Now that there was no compulsion — almost no encouragement — militia companies sprang up everywhere. There was, of course, the attraction of commissions and, in addition, the chance of securing arms.

Although without legislative authority other than the power of granting commissions, the Governor in 1851 appointed an Adjutant General. There appears to have been no legal authorization for this officer since the laws of 1845–1846 had definitely abolished all militia officers who received pay. And yet the Governor appointed an Adjutant General and the State paid him at least a part of the time for his services, since on May 31, 1858, Jesse Bowen was allowed \$150 for his services as Adjutant General. Indeed, there was no legal authority for an Adjutant General until 1861. Perhaps the extra-legal status of this office explains the absence of office records and reports for the period.

The retiring Territorial Governor, James Clarke, realized that the militia law was too elaborate to be efficient, and that as it stood the system was a travesty on all things military. In his message to the First General Assembly of the State of Iowa, on December 2, 1846, he said:

I regret to inform you that an effort made by me, during the past

summer, to effect such a return of the effective strength of the militia, as would enable the State to draw its proper quota of arms, proved entirely unsuccessful. A most unaccountable feeling of indifference pervades the community on this subject, which should, if possible, be overcome. We have a militia law on our statute book, and the semblance of a militia organization, without the reality. The law, for all useful purposes, is a dead letter, and should, it is suggested, be made to give way to one more simple in its provisions, and looking only to such an organization as will secure the State its proportionate share in the distribution of arms and accoutrements annually made by the General Government. The most effective measures are called for at the hands of the Legislature to guard future loss to the people in this particular.<sup>114</sup>

The "most effective measure" enacted by this Assembly in regard to the militia, however, was the provision in "an act to provide for the navigation of Skunk river" that "the sheriff, or any officer to whom any process under this act may be directed, shall be authorized to execute the same anywhere in this State, and for that purpose may take to his assistance the power of the county, and if necessary may call upon the Governor of the State for the militia."<sup>115</sup>

In his message to the special session of 1848, Governor Ansel Briggs made no mention of the militia. Nevertheless, the legislature made provision for securing militia returns by enacting a law that "the assessors in each organized county in this state be required to take, at the next annual assessment, a list of all able bodied white male citizens, between the ages of eighteen and forty-five years, subject to military duty in their respective counties, and return such list with the assessment rolls to the clerk of the board of county commissioners, whose duty it shall be,

<sup>114</sup> *Special Report of the Auditor of State*, 1860, p. 86; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 345, 346.

<sup>115</sup> *Laws of Iowa*, 1846-1847, pp. 57, 58.

within thirty days thereafter, to forward an abstract of said list to the Governor of the State.”<sup>116</sup>

Under this act returns were received from twenty-one counties; and from the figures thus obtained some idea of the number of men subject to military duty in the State may be gained. As reported to the General Assembly in December, 1848, the number of men in each county making a return was as follows:

COUNTIES	NUMBER	COUNTIES	NUMBER
Lee	2688	Washington	566
Johnson	666	Davis	721
Poweshiek	61	Dallas	59
Linn	704	Polk	678
Cedar	539	Clayton	419
Iowa	81	Henry	950
Clinton	383	Jefferson	1100
Jackson	1025	Muscatine	697
Jasper	108	Van Buren	1640
Keokuk	485	Buchanan	71
Louisa	668		

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Whole number reported 14310

Governor Briggs reported that “several of the counties have failed to forward an abstract in obedience to the act above mentioned. However irksome the performance of this species of military duty may to some appear, it cannot be denied that a well organized militia is, in every point of view, essentially necessary in this State; and without further comment, I would suggest that at least such an organization be effected as will entitle us to receive our quota of arms from the General Government.”<sup>117</sup>

<sup>116</sup> *Laws of Iowa* (Extra Session), 1848, p. 78.

<sup>117</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 387, 388.

Again, in 1850 Governor Briggs asked for militia legislation:

In my last message I presented the number of all able-bodied white male citizens . . . . subject to military duty, in each of the counties which had been reported to me, in accordance with an act entitled "an act requiring the assessors to take lists of persons subject to military duty, approved Jan. 25, 1848", and urged an organization of the militia as speedily as practicable. No steps, however, were taken by the last General Assembly to effect that object. The 3rd section of the above mentioned article of the Constitution provides that "all commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform militia duty, and shall be commissioned by the Governor." The militia law is at present a dead letter upon the statute book. Some measures should be taken to arrange the militia into divisions, brigades, regiments, &c.; to provide for the election of officers in accordance with the Constitution; and to provide further for such an enrollment as will enable the State to draw her quota of arms from the General Government.<sup>118</sup>

The revision of the Iowa laws, known as the *Code of 1851*, approved on February 5, 1851, codified the laws with respect to the militia in Chapter 40. Only eleven short sections were included as follows:

621. All the able-bodied white male citizens of the state between the ages of eighteen and forty-five years who are not exempt from military duty agreeably to the laws of the United States constitute the effective military force of this state.

622. The secretary of state on or before the first Monday in January after the taking of each state census must report to the president of the United States the aggregate number of such military force.

623. Whenever the governor deems it expedient to call into service any portion of the said military force he must prescribe the number, and the manner in which they are to be called out.

<sup>118</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 406, 407.



624. He may make temporary appointments of such officers as he thinks proper for calling the troops into service and may appoint the time and place of rendezvous.

625. No troops can be called into service in any other manner than as volunteers except in cases of insurrection or invasion, and the governor may prescribe the number to be received from the counties respectively, and may fix the amount of their compensation which must not exceed that allowed to soldiers in the army of the United States.

626. At the time and place of rendezvous each company may proceed to elect the number of commissioned and non-commissioned officers that has been previously prescribed by the governor.

627. In like manner each regiment, brigade, or division shall at the same time and place elect the number of its officers which has been previously designated by the governor, except that each chief of brigade or division has power to appoint his own staff.

628. The particular place and hour for opening the polls at any such election, as well as the judges and clerks thereof, shall be fixed and appointed by the officer in temporary command at such place of rendezvous.

629. The governor may cause any arms owned by the state to be distributed to the troops thus called into service and may direct all necessary supplies to be procured and furnished at the expense of the state.

630. He may, if he think proper, take command in person of any troops thus called into actual service.

631. Subject to the foregoing provisions he may make all farther rules and regulations necessary to carry out the general spirit and intent of this chapter.<sup>119</sup>

The most cursory examination of this law will show that this was neither the sham of earlier militia enactments nor the basis for any real organization. It must have been under the authority of this chapter of the *Code of 1851* that Daniel S. Lee, of Lee County, was appointed Adjutant General on April 3, 1851. What there is in the law that authorizes such an appointment, it is difficult to see. Adjutant

<sup>119</sup> *Code of 1851*, Title VIII, Ch. 40.

General Lee served for over four years, being succeeded on May 16, 1855, by George W. McCleary of Louisa County.<sup>120</sup>

Governor Stephen Hempstead in his message to the General Assembly in 1852 again mentioned the necessity of adequate legislation and organization for the militia in the following words:

The attention of the General Assembly has been frequently called to the organization of the militia of the State, yet no steps have been taken by the people or the legislature to effect it in such a manner as to comply with the laws of the United States, and to enable us to obtain the quota of arms to which we are entitled. The Secretary of State reported to the President the aggregate number of militia for the year 1851, but as there was no proper military organization, the report was declared insufficient. . . . By the laws of the United States and the provisions of our Constitution it is our duty to enroll and organize the militia into divisions, brigades, regiments, battalions and companies; and by a proper officer to report to the President annually, on or before the first Monday in January of each year, our effective military force, with their arms, accoutrements, &c. For the purpose of carrying out the requirements of a constitutional law of our National Government, and to obtain the arms with which the State might be defended by her own citizens, I would most earnestly recommend you to make such provisions as will be proper to effect an object so desirable, and at the same time to establish an Arsenal where the arms and munitions obtained may be safely kept until they should be needed for service. In the month of March, 1851, I received a communication from the Ordnance Department at Washington, stating that the Secretary of War had directed Major Bell, in charge of the Arsenal at St. Louis to issue upon my requisition arms and accoutrements sufficient to equip two companies of Volunteers at Burlington and Dubuque, to be charged to the State.

<sup>120</sup> *Iowa Official Register*, 1917-1918, p. 97. In the *Executive Journal* for 1851 Governor Hempstead entered the name as Paul S. Lee.—*Executive Journal of Iowa*, 1846-1858, p. 123.

The pages cited in the references to the *Executive Journal of Iowa*, 1846-1858, are to the original. Use was made of the typewritten copy in possession of The State Historical Society of Iowa.

Accordingly on the 27th day of May following, a requisition was made, and the arms were obtained, and those for the company of Burlington have been delivered. The company at Dubuque not having completed its organization, I directed the arms and accoutrements be sent to the Penitentiary for safe keeping, where, under the charge of the Warden, they might be kept in good order, and be serviceable in guarding the prison.<sup>121</sup>

Thus, it is seen that volunteer companies were beginning to appear within the State. Indeed, some of them came into being while Iowa was yet a Territory. Of these there can be no accurate record because of the absence of reports from the Adjutant General and the loss or destruction of the *Executive Journal* for the period from 1841 to 1846. The officers of one company, however, rank from the date Iowa was admitted to the Union. The officers of the Farmington Guards were commissioned on June 12, 1847, to rank from December 26, 1846. The officers of the Marion Guards were commissioned later the same year. No more company officers were commissioned if the records of the *Executive Journal* can be trusted, until 1851; but a few of the general and field officers received commissions.

John G. Gordon was commissioned Brigadier General of the First Brigade, Second Division, June 23, 1847. Three days later Joseph W. Biggar was commissioned Captain, and Albert Kendall First Lieutenant of the Fourth Battalion, Third Regiment, Second Brigade, Second Division; James Shanklin was commissioned First Lieutenant, and John Briney Second Lieutenant of the First Battalion, Third Regiment, Second Brigade, Second Division. It appears from these appointments that the old type of township and county organization of the militia into regiments, brigades, and divisions, may have been reestablished.

<sup>121</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 436, 437.

Since so few officers were commissioned, however, it is more than likely that these few were appointed as occasion demanded and took their unit designation from the pre-existing organization.

In 1848, James C. Ramsey was made Major General of the Fourth Division. The same year, John A. Pitzer, who must certainly have been commissioned before Iowa became a State, resigned as Lieutenant Colonel of the Third Regiment, Second Brigade, First Division. Curiously enough this resignation brought about three appointments — William H. Lyons as Colonel, Thomas H. Gray as Lieutenant Colonel, and Ezra Drown as Major of the same regiment.

Not until the time of Governor Hempstead were the staff officers appointed. On April 3, 1851, Daniel S. Lee was commissioned Adjutant General of the militia of the State. On the 16th of April, William E. Leffingwell of Clinton County, Barlow Granger of Polk County, John H. McKinney of Des Moines County, and George McHenry of Du Buque County, were made aides to the Governor with the rank of Colonel. Henry M. Shelley of Van Buren County was commissioned Judge Advocate General; Ezra Drown of Jefferson County, Quartermaster General; Thomas S. Espy, of Lee County, Commissary General; Constantine Coltenbache, Paymaster General; and James Bent, Military Secretary. At the same time John G. Shields of Dubuque County was made Major General of the Third Division. Inaccuracy in militia records is revealed by the entry in the *Executive Journal* for October 26, 1857, that Edward C. David of Dubuque was commissioned Brigadier General of the Third Brigade, vice John G. Shields, deceased. General Shields had been Major General: it was Charles Giliam who held the rank of Brigadier General of the Third Brigade, Third Division.

**OFFICERS OF THE IOWA MILITIA COMMISSIONED BETWEEN  
DECEMBER 26, 1846, AND DECEMBER 31, 1858**

(The data for the following table was obtained from the *Executive Journal of Iowa*, 1846-1858, and the names are given as found in that record.)

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Farmington Guards	Martin A. Britton : Captain Charles H. King : First Lieutenant John Stuart : Second Lieutenant	June 12, 1847 (To rank from December 26, 1846)
First Brigade Second Division	John G. Gordon : Brigadier General	June 23, 1847
Fourth Battalion Third Regiment Second Brigade Second Division	Joseph W. Biggar : Captain Albert Kendall : First Lieutenant	June 26, 1847
First Battalion Third Regiment Second Brigade Second Division	James Shanklin : First Lieutenant John Briney : Second Lieutenant	June 26, 1847
Marion Guards	Dean Cheadle : Captain Nathaniel Chapman : First Lieutenant Daniel B. Brown : Second Lieutenant	June 26, 1847 (To rank from June 22, 1847)
Iowa Dragoons	James M. Morgan : Captain John H. McKinney : First Lieutenant David S. Wilson : Second Lieutenant (This company was mustered into United States service as Captain James M. Mor- gan's Company of Iowa Mounted Volunteers on July 15, 1847.)	July 19, 1847 (To rank from July 15, 1847)
Fourth Division	James C. Ramsey : Major General	January 22, 1848
Third Regiment Second Brigade First Division	William H. Lyons : Colonel Thomas H. Gray : Lieutenant Colonel Ezra Drown : Major	May 12, 1848

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Staff	Daniel [Paul] S. Lee : Adjutant General	April 3, 1851
Staff	William E. Leffingwell : Aide to Governor with rank of Colonel Barlow Granger : Aide to Gov- ernor with rank of Colonel John H. McKinney : Aide to Governor with rank of Colonel George McHenry : Aide to Governor with rank of Colonel James Bent : Military Secretary Henry M. Shelley : Judge Advocate General Ezra Drown : Quartermaster General Thomas S. Espy : Commissary General Constantine Coltenbache : Paymaster General	April 16, 1851
Third Division	John G. Shields : Major General	April 16, 1851
Third Brigade Third Division	Charles Gilliam : Brigadier General	April 24, 1851
Staff	Dr. John Reil, Jr. : Surgeon General	July 21, 1851
Second Brigade Third Division	Stark H. Samuels : Brigadier General	August 1, 1851
State Fencibles (Burlington)	John H. McKinney : Captain Fabian Brydolph : First Lieutenant Daniel Gilchrest : Second Lieutenant Alexander C. Walker : Third Lieutenant	August 18, 1851
Madison Guards (Fort Madison)	James C. Parrott : Captain Thomas Hale, Jr. : First Lieutenant James M. Reid : Second Lieutenant Haynes Forbes : Third Lieutenant	January 22, 1852

# HISTORICAL SURVEY OF MILITIA IN IOWA 369

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Agency City Guards	John T. Rowe : Captain S. P. Yeomans : First Lieutenant David Sodbine : Second Lieutenant	August 21, 1852
Dubuque City Guards	Charles Jones : Captain B. J. Ohallaran : First Lieutenant Patrick Faning : Second Lieutenant Bartholomew Lenahan : Third Lieutenant	September 28, 1853
Fayette Guards (Company I)	George W. Neff : Captain A. L. Dunn : First Lieutenant J. W. Webb : Second Lieutenant	June 10, 1854
Dubuque City Guards	M. M. Hayden : Captain	June 10, 1854
Davis County Sharp Shooters	E. G. Reeves : Captain Alpheus Tucker : First Lieutenant William L. Oliver : Second Lieutenant P. H. Roland : Third Lieutenant	July 28, 1854
Staff	George W. McCleary : Adjutant General	May 16, 1855
Keokuk Guards	R. H. Huston : Captain T. J. McKinney : First Lieutenant Thomas B. Bartlett : Second Lieutenant	May 16, 1855
Washington Artillery (Davenport)	Harvey J. Hughes : Captain C. W. Giddings : First Lieutenant E. N. Bates : Second Lieutenant Reed Brockmeyer : Third Lieutenant	June 5, 1855

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ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Keokuk Artillery and Governor's Guards	Edward Cole : Captain Erie I. Leech : First Lieutenant John J. Irwin : Second Lieutenant George W. Limbocker : Third Lieutenant Franklin R. Seitz : Ensign	June 12, 1855
Anamosa Light Guards	John Kelly : Captain Luther Abbe : First Lieutenant Giles J. Flakes : Second Lieutenant Charles C. Peet : Third Lieutenant	August 17, 1855
Keokuk Artillery and Governor's Guards	Sabirt T. Patterson : Ensign	August 27, 1855
Davenport Light Guards	William Hall : Captain Josiah C. Gaston : First Lieutenant John A. Foster : Second Lieutenant Edward H. Bradley : Third Lieutenant	December 5, 1855 (To rank from October 1, 1855)
Keokuk Rifle Company	Alexander Lynch : Captain James M. Tyler : First Lieutenant L. L. Oconnor : Second Lieutenant William Daulton : Third Lieutenant	December 17, 1855 (To rank from December 10, 1855)
Washington Guards (Jackson County)	Lebbeus C. Allhouse : Captain James W. Simpson : First Lieutenant J. C. Wallace : Second Lieutenant	January 29, 1856
Potowonok Rifle Company	William H. Davis : Captain Samuel Harper : First Lieutenant George H. Albright : Second Lieutenant	April 3, 1856 (To rank from March 30, 1856)



# **HISTORICAL SURVEY OF MILITIA IN IOWA 371**

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
on Guards	Willard Hammond : Captain William H. Hammond : First Lieutenant John G. Maurer : Second Lieutenant Wells Spicer : Third Lieutenant	August 11, 1856
. County ards	E. Vanmetre : Captain E. N. Bates : First Lieutenant George Livensbarger : Second Lieutenant Abraham Coon : Third Lieutenant	September 24, 1856
County ards	E. N. Bates : Captain Charles B. Rowley : First Lieutenant	October 27, 1856
nt Pleasant ards	Charles E. Clarke : Captain Robert Wilson : First Lieutenant Edward E. Tyner : Second Lieutenant Augustine C. Parks : Third Lieutenant	December 1, 1856
'	Elijah Sells : Adjutant General	January 15, 1857
catine Light ards	I. B. Teller : Captain D. W. McCloud : First Lieutenant William R. Stone : Second Lieutenant O. P. Waters : Third Lieutenant	January 16, 1857
son and Jones ounty Guards	J. W. Jenkins : Captain Jarvis H. Smith : First Lieutenant Stephen Call : Second Lieutenant Richard Durgan : Third Lieutenant	January 22, 1857
ruk Rifle mpany	Jul. Beneke : Captain Oscar Schmidt : First Lieutenant Albert Spacke : Second Lieutenant John Bringartner : Ensign	February 10, 1857

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ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Davenport Rifle Company	Anton Iten : Captain Antoine Sherer : First Lieutenant Charles Oswald : Second Lieutenant Charles Ulmer : Third Lieutenant	May 11, 1857
Tipton Guards	George Fritch : Second Lieutenant	July 16, 1857
Birmingham Guards	J. M. Irwin : Captain Anderson Laith : First Lieutenant H. C. Fishel : Second Lieutenant	July 16, 1857
Warren Guards (Burlington)	F. Brydalf : Captain W. A. Young : First Lieutenant J. Smith McKenney : Second Lieutenant I. Winders, Third Lieutenant	July 20, 1857
De Witt Light Artillery (Clinton County)	B. F. George : Captain William H. Buchanan : First Lieutenant John Kelley : Second Lieutenant	July 20, 1857
Burlington Rifle Guards	C. L. Matthies : Captain A. Delahaye : First Lieutenant L. Krieg : Second Lieutenant M. Keller : Third Lieutenant	July 20, 1857
Ottumwa City Guards	G. S. Laswell : Captain L. D. Morse : First Lieutenant John H. Harmony : Second Lieutenant Stephen Osburn : Third Lieutenant	August 5, 1857
Kossuth Rangers	Lewis H. Smith : Captain Oliver Benschoter : First Lieutenant Charles Osgood : Second Lieutenant Abram Hill : Orderly Sergeant William Skinner : First Corporal George P. Taylor : Ensign	August 7, 1857

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Muscatine Light Guards	John H. Wallace : Captain	September 3, 1857
Quasqueton Light Infantry	James D. Phillips : Captain John Coulter : First Lieutenant James Rankin : Second Lieutenant Zinry Butler : Ensign	September 25, 1857 (To rank from July 4, 1857)
Salem Guards	R. D. Emerson : Captain D. Nicles : First Lieutenant J. Fairchild : Second Lieutenant J. R. Welpton : Third Lieutenant	September 25, 1857 (To rank from July 3, 1857)
Council Bluffs Guards	G. M. Dodge : Captain S. H. Craig : First Lieutenant R. F. Dunn : Second Lieutenant J. B. Stutsman : Third Lieutenant J. H. Benton, Jr. : Fourth Lieutenant	September 25, 1857 (To rank from July 15, 1857)
Third Brigade —— Division	Edward C. David : Brigadier General Vice John G. Shields, deceased	October 26, 1857
Sabula National Guards	Samuel A. Badger : Captain John O. Bard : First Lieutenant Samuel M. Bard : Second Lieutenant F. M. Kelsey : Third Lieutenant G. W. Confare : Ord. Sarg't	October 26, 1857
Emmit Guards (Keokuk)	Alexander Lynch : Captain James Tumelty : First Lieutenant M. O'Brien : Second Lieutenant M. Campbell : Third Lieutenant	November 18, 1857
Irish Volunteer Company	Nathaniel Scott : Captain Fenton Doran : First Lieutenant Patrick Ryan : Second Lieutenant Joseph Gavin : Third Lieutenant	December 15, 1857

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Staff	Jesse Bowen : Adjutant General	January 18, 1858
Boonsboro Frontier Guards	Samuel B. McCall : Captain George B. Redman : First Lieutenant Jonas Upton : Second Lieutenant Woodson D. Parker : Third Lieutenant	February 5, 1858
Staff	Charles B. Richards : Commissary General	February 5, 1858

The staff organization of the militia was completed July 21, 1851, by the appointment of Dr. John Rell, Jr., of Louisa County to be Surgeon General of the militia. Stark H. Samuels of Clinton County was made Brigadier General of the Second Brigade, Third Division, on August 1, 1851. Probably none of the staff officers other than the Adjutant General were maintained throughout the period. Charles B. Richards reported as Commissary General at the time of the Spirit Lake Relief Expedition, yet his commission is dated February 5, 1858.

The records show that officers were commissioned for the State Fencibles at Burlington in 1851, the Madison Guards and Agency City Guards in 1852, and the Dubuque City Guards in 1853. Undoubtedly other companies were in existence whose officers were not commissioned. Indeed, it is very possible that the *Executive Journal* does not contain a completely accurate list of commissions granted. From 1853 on, interest increased, and the Adjutant General and Governor were in receipt of frequent requests for arms for volunteer companies and commissions for the officers. Especially in 1859 and 1860 were these social-military companies active. A list of these militia companies whose officers were commissioned by the Governor between 1846

and 1858 as taken from the *Executive Journal*<sup>122</sup> for that period will be found in the accompanying table.

Arms for these volunteer companies were issued as rapidly as such equipment could be procured; and the company officers were required to give bonds for their safe keeping. Fifty muskets with accoutrements were issued to one company on a bond of \$829. Sometimes bonds were given and no arms issued in exchange.<sup>123</sup> While the companies were mainly social in character and many of them probably never fired the few pieces which they possessed, arms lent the organizations a martial appearance, and doubtless a large part of the interest in militia companies was due to the fact that some arms were available. In 1858 Adjutant General Jesse Bowen wrote to Governor Lowe: "I am persuaded that many of the Volunteer Companies would not be organized were it not for the expectation of getting arms from the state . . . . Shall we commission those whom we can't arm?"<sup>124</sup>

With unvarying regularity the annual messages of the Governors reiterated the necessity of some military legislation. Governor Hempstead in his second biennial message again brought the matter to the attention of the General Assembly in the following words:

Since the formation of our State government, up to the present time, recommendations have been made to the General Assembly

<sup>122</sup> *Executive Journal of Iowa*, 1846-1858, pp. 30, 32, 33, 39, 50, 123, 125, 131, 132, 133, 147, 158, 195, 216, 221, 276, 278, 279, 286, 287, 298, 299, 302, 306, 328, 331, 334, 336, 345, 346, 353, 363, 380, 387, 388, 389, 390, 391, 393, 397, 399, 403, 405, 408, 414, 415. An old record book in the possession of the Adjutant General in Des Moines was also consulted.

<sup>123</sup> This bond is in the Archives Division, Historical Department, Des Moines. — Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 201.

<sup>124</sup> Letter from Adjutant General Bowen to Governor Lowe, dated July 21, 1858, in the Archives Division, Historical Department, Des Moines.

to enact such laws as would comply with the Constitution of this State, and the laws of the United States, as to the organization of the militia; and to which subject I would again invite your special attention.

The object of the law of Congress in requiring the organization of the military force of each State, and the appropriations for arms to be distributed to them from year to year is for the purpose of enabling them to defend themselves in cases of emergency, and at the same time to be serviceable to the National Government in the defense of the country, should their services be needed.

It should be remembered that Iowa is a frontier State; portions of our northern and western boundaries are subject to the incursions of Indians, who have but recently disposed of their right to the soil, who return for the purpose of hunting and not unfrequently commit depredations upon the white inhabitants before . . . any effective military force, can be obtained to repel them. It is therefore prudent and necessary that we should have such a military organization as will enable us in a case of emergency to defend ourselves and protect our citizens.

In July last, I received information from the counties of Cerro Gordo, Floyd, Bremer, Chickasaw, Franklin and others, that a large body of Indians well armed and equipped, had made demonstrations of hostility by fortifying themselves in various places, killing stock, and plundering houses, and that many of the inhabitants had entirely forsaken their homes and left a large portion of their property at the mercy of the enemy; praying that a military force might be sent to protect them and their settlements. Upon the reception of this information, an order was immediately issued to Gen. John G. Shields, directing him to call out the City Guards of Dubuque, and such other force as might be necessary, not exceeding two companies, to remove the Indians from the state. This order was promptly obeyed, and the company was ready for service, when information was received that the Indians had dispersed — that the citizens were returning to their homes, and quiet had been restored. It therefore became unnecessary for any further proceedings.

Authority was also given to Major Williams, of Fort Dodge, in this State, to raise a volunteer company, should it be necessary

to remove any Indians who should be found disturbing any of the inhabitants of the county of Franklin, or adjoining counties. On the first day of September last he reported that he had not found it necessary to raise any military force, as there did not then exist any cause for alarm, or danger to the settlers.

In April last a communication was received from the ordnance office at Washington, stating that there was due to this State, arms to the value of two hundred and thirty-five muskets, with the desire that the kind and the description should be designated. This request was complied with, and the arms have been received, and distributed to organized military companies at Dubuque, Davenport, and Keokuk, with the exception of one brass six-pound gun, which remains to be drawn at the United States Arsenal in St. Louis, Missouri.<sup>125</sup>

Governor James W. Grimes entered upon his duties at the time of the greatest inertia with regard to military affairs, and his early messages contain no mention of the necessity of a militia. In a letter dated January 20, 1855, he informed the House that there was "no military organization in the State. The Executive of the State has no authority under the law, to use either persuasive or coercive measures, except in cases of insurrection or actual hostile invasion." In his report to the General Assembly of 1856-1857, he merely mentioned the fact in connection with a general summary of the census that there were in the State 92,262 men subject to military duty.<sup>126</sup>

The General Assembly was even more indifferent to the needs of the militia than was the Governor. True, the special session of 1856 made provision for the distribution of State arms to volunteer companies,<sup>127</sup> thus authorizing

<sup>125</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 456-458.

<sup>126</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 25, 94.

<sup>127</sup> Elijah Sells had been appointed Adjutant General in January, 1857. *Laws of Iowa* (Extra Session), 1856, p. 89.

what the Governor had been doing without definite authority. But in the main their attitude was far from serious. Indeed, the attitude of the General Assembly toward military affairs during the half decade before the Civil War has been justly characterized as trifling. The House of Representatives of the Sixth General Assembly was "the scene of unwonted levity when Thomas Hardie of Dubuque insisted upon a report from the committee on military affairs, following an inquiry into the disposition of the State arms. . . . The committee was ordered to report on Saturday evening to the committee of the whole, the chairman to be clothed 'in accordance with *ancient usage*, in the *armor* now in the state library'." In the same spirit of unseemly frivolity, employing the opportunity for numerous puns and jocular thrusts at fellow members, the committee on military affairs made the following report:<sup>128</sup>

Your committee on Military Affairs have had the most profound sense of the important and solemn duties of their position. They have delayed their report until this late hour of the session, in order to fully mature the momentous considerations they have to present to your Honorable body. Your committee did not desire to "go off half-cocked," on the *grave* questions before them; and here permit the committee to remark that the report that your committee has been "half-cocked" the greater part of the time they have been in the discharge of their duties, is a libel too gross to notice. If the committee has been on a *train* occasionally, it has been with a heartfelt desire to test the best system of tactics only.

The committee have made the most thorough, practical investigation in their power, of the relative merits of "big guns, little guns and pop guns." In experimenting with "big guns," they have taken their specimens from the floor of this House, and report as the result of actual trial, that they will bear considerable loading, and never "hang fire." But the objections are that they are

<sup>128</sup> Briggs's *The Enlistment of Iowa Troops During the Civil War* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XV, pp. 324, 325.



too prolonged in the report, and do little or no execution, rarely "hitting the mark."

In our experiments with "little guns," we have taken our specimens from the body that meets in the other end of this Capitol.—We give as the result that said "guns" are generally "repeaters," and will "go-off" any possible number of times without *re-loading*.

They rarely hit any mark, but are found to "scatter" to such an extent that the execution is as apt to be upon friends as foes. As to "pop guns," your committee found plenty of specimens in both Houses. They find that this class of "guns" generally "explode" the first fire, and are, in every case, "too big for their breeches."—They recommend that the manufacture of this article be discontinued.

In reference to the whereabouts of the State arms, upon which point your committee was instructed to enquire, we report that for all we know to the contrary, they are in a state of safe preservation, somewhere; where the committee hopes they will be permitted to remain, except on Christmas, New Years, and the Fourth of July, unless required to protect the various educational funds of this State. These arms are represented to your committee to be of the latest and most improved patents, warranted to kill or cripple in no case whatever. But the committee, after as full an investigation and trial as they could possibly make, give their emphatic preference to arms of an old patent, said to have been taken out by, or out of, General Adam, by which that renowned warrior was himself subsequently conquered, and which, from his day to ours, have held mankind captive. We mean the arms of woman!

We therefore recommend the arms of the girls of Iowa, as the most affectionate weapons to protect the peace of the State, and promote its happiness, growth and posterity; and we suggest that all dissenters from this opinion be condemned to serve in this Legislature every succeeding session hereafter, at one dollar per day, after the first fifty days. . . .

Regarding it as part of their duty to report an efficient system of organization for the militia of the state, the committee submit the following resolutions:

*Resolved*, That the fighting population of the State be enrolled as follows:

All persons under one year of age, as *infant-ry*.

All persons engaged in lobbying to this Legislature, as sappers and miners.

All persons disposed to "ride a high horse," as dragoons.

All persons who have expressed or conceived the idea that this Legislature is not the most industrious, the most economical, the most orderly, grave and profound body, ever assembled in this House, shall constitute a "forlorn hope," their case being hopeless.

That his Excellency, the Governor, be commissioned as Protector of his people, and universal opener of water courses.

That the Trustees of the State University, the officers of the Des Moines River improvement, and the Superintendent of Public Instruction, be commissioned as commissaries and keepers of the military chest.

7th. That the member from Buncombe, be commissioned as leader of the Border Ruffian Division of the Army of Observation.

8th. That the member from Clayton, be commissioned as General-in-Chief of the German Allies, with instructions not to mistake his friends for his foes.

9th. That the member from Muscatine be commissioned as General-in-Chief of that wing of the army whose position is "Cloud-y" and who, though not neutrals, are not certain what ground they occupy.

10th. That every other member of this House be commissioned as Aids to His Excellency, with the rank of Major, and shall on all review days appear equipped as the law directs, with a better half, and several little responsibilities;—*Provided*, The Governor be exempted from the last named requirement. . . .

*Resolved*, That this committee be now "discharged."

THOMAS M. BOWEN,

Chairman.<sup>129</sup>

Despite the lack of interest on the part of the authorities of the State, volunteer companies continued to be organized. There were independent military companies as far out as Cherokee, Buena Vista, and Clay counties. In 1856 ninety-two copies of Hardee's *System of Tactics* had been

<sup>129</sup> *House Journal*, 1856–1857, pp. 454–458.

received for the use of companies throughout the State. That there was need for militia companies of some kind and that the conduct of the General Assembly in the matter was little short of criminal carelessness, was clearly proven by the events of 1857.

It was in the cold month of March, 1857, that Inkpaduta and his band of Wahpeton Sioux struck fear into the hearts of pioneers in northwest Iowa in what is known in Iowa history as the Spirit Lake Massacre. Houses were burned, herds driven off, supplies pilfered, and some thirty-two whites murdered in the region around Spirit Lake and the Okobojis in this "carnival of murder". The story of the relief expedition made up of Iowa settlers around Fort Dodge and Webster City may well be included in a history of Iowa militia, since in fact it was organized as militia under authority from the Governor and constituted the only real militia in the State at the time.<sup>130</sup>

When news of the massacre reached Fort Dodge on Saturday evening, March twenty-first, a meeting was called for the next afternoon to decide on measures to be taken. When the meeting convened practically every able-bodied man in Fort Dodge and vicinity was present. Major William Williams, who presided as chairman, read the commission granted him by the Governor in 1855 "empowering him in any emergency that might arise to take such action as seemed best in the light of existing circumstances." The meeting resolved that at least two companies of volunteers should be called for and sent to the lakes "to rescue the living, bury the dead, and if possible overtake and punish the perpetrators of the massacre."<sup>131</sup>

At the Fort Dodge meeting nearly eighty men volunteered

<sup>130</sup> The facts of the Spirit Lake Massacre are taken from Teakle's *The Spirit Lake Massacre*.

<sup>131</sup> Teakle's *The Spirit Lake Massacre*, pp. 162, 163.

at once to join the proposed expedition. There was the same response at Webster City, whither news had been carried by messengers from Fort Dodge. Here, too, volunteers were called for, and by nine o'clock on the morning of the twenty-third, twenty-eight men had been selected to undertake the expedition. Provisions and supplies were gathered in from every available source, and the company set out for Fort Dodge where they arrived late in the evening of the twenty-third. At this place officers for the Webster City company were chosen by ballot. John C. Johnson was made Captain, John N. Maxwell First Lieutenant, Frank R. Mason Second Lieutenant, Harris Hoover Sergeant, and A. Newton Hathaway Corporal. The company was designated Company C.

In the meantime two companies had been organized at Fort Dodge. Charles B. Richards, who had acted as secretary of the first general meeting, was selected as Captain of Company A and John F. Duncombe was chosen to head Company B. Captain Richards at once selected Franklin A. Stratton as First Lieutenant of Company A, L. K. Wright as Sergeant, and Solon Mason as Corporal; while Captain Duncombe named James Linn as First Lieutenant, Smith E. Stevens as Second Lieutenant, William N. Koons as Sergeant, and Thomas Callagan as Corporal of Company B.<sup>182</sup>

These companies were organized and equipped by voluntary contributions. "The equipment of arms varied from the worst conditioned shot gun to some of the finest type of Sharps rifle to be found on the frontier." After being organized as separate units, the three companies united to form a battalion, and "Major William Williams, the only person who had had military experience and who

<sup>182</sup> Teakle's *The Spirit Lake Massacre*, pp. 165, 166; *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, pp. 922, 923.

had been empowered by Governor Grimes to act in such an emergency, was chosen to command the battalion thus created."<sup>133</sup> It numbered at the time of leaving Fort Dodge a total of ninety-one officers and enlisted men.

The story of the long trip across country through the drifted snow, the melting slush, and the blizzards of the open prairie is one which reveals fully the indomitable spirit of the early Iowa pioneers. Almost insurmountable difficulties were overcome. Day after day of cold and exhaustion dragged wearily by. When it was learned that the Indians had left the country, a burial detail was sent ahead and the main body started on the return trip. The burial detail after completing its work also turned back. It was on the return trip that the greatest sufferings occurred: the parties became divided, a blizzard overtook them, and it seems almost a miracle that all did not perish on the prairie. As it was, all returned home safely except Captain John C. Johnson and Private William E. Burkholder of the burial detail, who became exhausted on the return trip and were frozen to death.

Later years have seen efforts on the part of State and nation to compensate the members of the relief expedition and memorials have been erected which perpetuate the story of their bravery and suffering. On April 9, 1913, a law was approved which declared that "on and after the passage of this act, the survivors of the Spirit Lake Relief Expedition of 1857 . . . shall receive a monthly pension of \$20.00 per month, during the lifetime of each such survivor."

Nor was this expedition the only one planned. "As the news of the dire events in Dickinson County spread through the State", says one writer, "attempts were made at several places to organize military companies to go at once

<sup>133</sup> Tenkle's *The Spirit Lake Massacre*, p. 168.

and lend aid towards pursuing the recreant Indians and rescuing the captives. No record of these inchoate organizations have been preserved . . . but tradition supplies us with a few details of one that had a short existence at La Motte, in the northern part of Jackson County . . . John Hodges, a farmer living near the little village of La Motte, called for volunteers of mounted men as soon as the dread facts became known, and about twenty enrolled their names and met several times for drill before it was learned that the Governor had no power to raise and equip a military force. Hodges was duly recognized as Captain of the little company, and Brooks Weatherby, who had seen service in the Regular Army, conducted the drills." <sup>134</sup>

It was in 1857 that the new State Constitution was drawn up in convention and ratified by the people. The provisions with regard to the militia remained identically the same as those of the Constitution of 1846. Indeed, there seems to have been little discussion on the subject in the convention.

In January, 1858, the Seventh General Assembly convened at Des Moines. In the very first days of the session, Jesse Bowen of Johnson County was appointed Adjutant General. He retained the office down to the time of the Civil War. Governor Grimes, in his message, reviewed the status of the militia in the State and made the following recommendation:

There are now several independent military companies in the State, to whom State arms have been distributed. Many of the companies are uniformed, fully equipped, and well disciplined. Yet, there is no law of the State under which they are organized or that would strictly authorize the Executive authority to call them into the field, in cases requiring their services.

The experience of the past year has demonstrated the necessity

<sup>134</sup> *Laws of Iowa*, 1913, p. 362; *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, pp. 941, 942.

for some military organization in the State, and I therefore commend the subject to your consideration.<sup>135</sup>

Governor Grimes also reviewed the incidents relative to the Spirit Lake Massacre and the relief expedition. He urged a memorial to Congress asking for compensation, suggested the need for some form of immediate payment, and mentioned the obligation of the State for some public recognition of the "noble gallantry and untimely death of Messrs. Johnson and Burkholder." The Governor was not apprehensive of any further trouble, but announced that he had established a depot for arms and ammunition at Fort Dodge, and had procured a cannon, muskets, and ammunition for another depot in Dickinson County.

In his inaugural address to the same session Governor Ralph P. Lowe made mention of the fact that "the new Constitution contemplates important legislation upon our . . . militia system",<sup>136</sup> but he presented no specific recommendations. Nor did the General Assembly at this time enact any general military legislation. They passed one act making provision for a "Standing Army"<sup>137</sup>—legislation which really grew out of the Indian troubles in the northwest. Alarms as to danger from hostile Indians continued through 1857; and early in 1858 there was a little skirmish in Clay County, in which one or two persons were slightly injured. It was decided to petition the legislature, then in session, for assistance of some kind. "C. C. Carpenter represented the district. He took hold of the matter in earnest, and, in the shortest time possible, a bill was

<sup>135</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 52.

<sup>136</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 59, 125.

<sup>137</sup> The title given to chapter ten of the *Laws of Iowa*, 1858, is "Standing Army".

passed providing for the raising of a company of volunteers for the defense of the northwestern frontier."<sup>138</sup>

The act as passed and approved on February 9, 1858, provided that "the Governor be and he is hereby authorized and empowered to raise, arm and equip, one Company of Mounted Volunteers, to consist of not less than thirty nor more than one hundred men, whenever he shall deem the same necessary for the protection of our frontiers." Officers were to be elected by the company, but could be removed by the Governor. A pay schedule was included which gave privates forty-five dollars a month, the non-commissioned and commissioned officers being paid likewise on a graduated scale up to seventy dollars for the Captain. Members of the company paid their own expenses. The act was rather lengthy, making full provision for the organization and conduct of the company.<sup>139</sup>

Under this act a company of the Iowa Frontier Guards, known as "Captain H. B. Martin's Company for the Defense of the Northwestern Frontier" was organized. It was raised principally in Hamilton and Webster counties, with a few recruits from the lake region. "This company arrived upon the frontier about the last of February or first of March, and was divided into three squads; Captain Martin, with the main squad, making his headquarters at the old fort at Spirit Lake; Lieutenant Church, with one squad, at Peterson, and Lieutenant Jewett, with the remaining one, at Emmett. This force was kept on duty until about the first of July, when they were ordered off but not disbanded. In the fall of 1858 . . . they were again ordered into service and kept on duty along the frontier until the following spring, when they were dis-

<sup>138</sup> *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, p. 938.

<sup>139</sup> *Laws of Iowa*, 1858, pp. 10-14.



charged.”<sup>140</sup> One of the original pay rolls of this company lists forty-five commissioned officers and enlisted men. In 1858, too, there were rumors of a military expedition to Utah for which several Iowa companies offered their services.<sup>141</sup>

There was considerable activity among the social-military companies of the State during 1858 and 1859. In some localities they were organizing and in others they were disbanding. In Burlington in 1858, there were companies enough to form a battalion, and this organization was effected on June 23rd.<sup>142</sup> In Iowa City in September, 1858, there was a desire for a “real military organization”. The Iowa City Dragoons were organizing at this time, and were uniforming themselves. Uniforms for privates cost \$66.10, and that for officers \$82.85.

Many of the companies at this time were organizing on nationality lines. There were German companies, Irish companies, and perhaps others. The Iowa City Washington Guards were forced to disband because of a factional split caused by the efforts of Captain Earle to assist the “Irish & Dutch” artillery companies to organize.<sup>143</sup> Alex-

<sup>140</sup> *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, pp. 938, 939.

<sup>141</sup> Charles B. Richards was Commissary General at this time by special action of the executive authority. Governor Lowe wrote in explanation to the State Auditor that while “chapter ten of the acts of last Session does not expressly provide for the employment of such an agent as Col. Richards, yet it was absolutely necessary that some one should perform the duties which he did perform, and under sections 8 and 13 of said act, I felt myself authorized to employ and pay him for said services.”—*Iowa Legislative Documents*, 1860, p. 96; *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, pp. 939-941. See letter from F. Brydolf, Captain of the Burlington Blues, to Governor Lowe, dated April 21, 1858, in the Archives Division, Historical Department, Des Moines.

<sup>142</sup> From a document in the Archives Division, Historical Department, Des Moines.

<sup>143</sup> Letter from John Bullock to Governor Lowe, dated September 17, 1858, in the Archives Division, Historical Department, Des Moines.

ander Lynch resigned in 1858 as Captain of the Keokuk Emmitt Guards, because he had not time to drill, and because he was "of the opinion that it would be better for the interests of the Company to have an Irishman to command you."<sup>144</sup> The Captain of the Davenport Rifles wrote to the Governor on December 11, 1858, stating a piteous case. In Davenport there was to be a big military ball and the Davenport Rifles were to parade that day. Several of the members asserted they could not afford the parade, and it had to be called off. The Captain asked the Governor if he should resign.<sup>145</sup>

In 1858 the General Assembly was a little more heedful of militia interests than former legislatures had been. In this session the House military committee asked the Governor for advice in their difficulties.<sup>146</sup> Indeed, the House of Representatives passed a resolution asking Governor Lowe for information as to the location and condition of the public arms. This uncovered a defective system of records. The Governor replied that he had caused such records as were available to be examined, "without being able to obtain that complete information you desire. These records and documents consist only in the bonds filed in the office of Secretary of State by the independent military companies; but as in some instances companies received no arms after depositing their bonds, these are not conclusive evidence even of the number and description of arms issued to said companies. I am informed by the Commissary General, that there is a considerable quantity of military stores at Ft. Dodge, at which place they were

<sup>144</sup> From original document in the Archives Division, Historical Department, Des Moines.

<sup>145</sup> Letter to Governor Lowe, dated December 11, 1858, in the Archives Division, Historical Department, Des Moines.

<sup>146</sup> Letter from J. H. Wallace to Governor Lowe, dated March 1, 1858, in the Archives Division, Historical Department, Des Moines.

deposited by the late Adjutant General, during the Indian troubles in the Northwest, in the spring of 1856. I have no information as to the precise character of these stores, but have been assured that they have been kept in good condition since their deposit at that point. It is proper to say in this connection, that the Adjutant General resides away from the capitol''. The Adjutant General, too, at this time seems to have been more interested in his work. Mr. Bowen complained in March, 1858, that he had not yet received any records from his predecessor.<sup>147</sup>

Down to the very eve of the Civil War we find the Governor of the State urging upon the General Assembly the necessity of militia organization. In his message to the Eighth General Assembly, on January 9, 1860, Governor Ralph P. Lowe referred to the subject in the following words:

The quota of arms drawn by each State is in proportion to its representation in Congress. This provision of law operates to the disadvantage of the new States, whose population usually is much in advance of such representation. Thus far our supply has been wholly inadequate to the demand. A chivalrous spirit pervades the minds of our young men, and many highly creditable companies have been organized in the State, although we have had no military law, the enactment of which should now engage your serious attention.

The reception, custody, and distribution of the public arms, coupled with the large correspondence that necessarily grows out of it, makes this branch of the public service both burthensome and expensive to some extent, which should be provided for by law. The duties connected therewith have been for the last two years very efficiently and promptly performed by the present Adjutant

<sup>147</sup> Letter from Adjutant General Bowen to Governor Lowe, dated March 6, 1858, in the Archives Division, Historical Department, Des Moines.—Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 201, 202.

General of the State, Gen. Jesse Bowen, whose compensation has borne no proportion to his official obligations and labors.<sup>148</sup>

This General Assembly appropriated five hundred dollars for an "Army of Protection", to consist of a company of minute men, "in number not exceeding twelve", four of whom "may be employed as an active police for such time, and to perform such services as may be demanded of them", for the "purpose of protecting the citizens of the north-western portion of the State, and enabling them to defend themselves against the threatened depredations of marauding bands of hostile Indians".<sup>149</sup>

In a letter written early in March, 1860, Governor Kirkwood authorized George W. Lebourveau to organize these "minute men" and gave him instructions as to their enlistment, equipment, and duties. The services of this company must have been very short, if it was organized at all, for the State Auditor's report for the biennium ending November 3, 1861, shows only \$34.75 paid to the "Army of protection for North West Iowa".<sup>150</sup>

To trace the Iowa militia through the period of the Civil War is a perplexing task. There was, throughout this period, a well-defined State militia but it is somewhat difficult to differentiate between the State and Federal troops. Especially in the department of the Adjutant General there was lack of differentiation: the Adjutant General was in charge of all Iowa troops and his duties were divided between the Union soldiers who were from Iowa and the State militia.

<sup>148</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 170.

<sup>149</sup> *Laws of Iowa*, 1860, pp. 142, 143.

<sup>150</sup> *Report of the Auditor of State*, 1861, p. 10, in *Iowa Legislative Documents*, 1861-1862; *Executive Journal of Iowa*, 1858-1862, pp. 281-283, in the Archives Division, Historical Department, Des Moines.

Indeed, as has been said, the office of Adjutant General was not definitely created by law until 1861, although there had been such an office for ten years. From 1861 on there are printed reports for the Adjutant General's office. Too much credit can not be given to Nathaniel B. Baker as Adjutant General during the Civil War and for ten years hereafter. His untiring work and persistence made possible complete records of Iowa soldiers. Indeed, Iowa is one of the very few States with such records. The story of the Iowa militia from 1861 to 1876 is the story of Nathaniel B. Baker.

At the outbreak of the Civil War and the call upon Iowa, April 16, 1861, for "one regiment of militia for immediate service", there was no organized active militia in the State. There were many volunteer social-military companies, and these readily responded to the call. Indeed, the early regiments were largely made up of these companies. Such companies, of course, ceased to be State militia in any sense upon being mustered into the service of the Federal government.<sup>151</sup> The true State militia of this period consisted almost wholly of what were known as the Northern Border Brigade and the Southern Border Brigade—the one a

<sup>151</sup> This principle was not universally accepted at the time of the Civil War. It was claimed by some that the troops raised for United States service remained State militia and should be organized according to State law. Governor Kirkwood was not concerned with this technicality. Laws of Congress and War Department orders called for commissioned company and field officers to be appointed by the Governors of the States furnishing troops. In many instances the Governor authorized company elections, and then appointed the men so elected. In reply to certain inquiries of the House of Representatives, Governor Kirkwood remarked: "Our young men have promptly volunteered to fill up the regiments called for under these laws; thus consenting to the officering of the regiments in the manner therein provided. They have appeared to be less anxious in regard to the manner in which their officers should be appointed, than to have the privilege of serving their country in its need."—Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 428-431.

frontier guard against Indians, the other a protection against Missouri secessionists.

Governor Samuel J. Kirkwood called the General Assembly into special session on May 16, 1861, to enact emergency legislation. He declared there were "two objects which in your deliberations you should keep steadily in view, and which I recommend to your serious consideration — the protection of our State against invasion and the prompt supply to the General Government of any further aid it may require.

"Our State", he declared, "is supposed by many to be exposed to attack on two sides — our Southern and Western borders, on the South by reckless men from Missouri; on the West by Indians."<sup>152</sup>

The majority of the twenty-four acts passed by this short session related to military matters. Most of them had to do with troops mustered into Federal service or related to their families and dependents. Two acts, however, dealt with the State militia. One was a general statute "to amend the Militia Law of the State of Iowa", and made general provisions for the existence of a State militia. By this act the militia of the State was to be divided into two classes, "the first to be called the *Volunteer*, and the second the *Reserve Militia*." The "volunteer" militia was to "consist only of those who voluntarily organize themselves into companies of not less than forty privates and non-commissioned officers, nor more than one hundred privates and non-commissioned officers, and who shall be uniformed, and shall elect officers, and assemble themselves for drill, and purposes of military discipline, not less than five nor more than ten days in each year, and who shall be furnished with arms and equipments by the State, and the first subject to

<sup>152</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 259.

call or draft into service at the requisition of the Governor." The "reserve" militia was to "consist of those who do not organize themselves into companies as aforesaid, but shall be subject to draft, or to be called into service."<sup>153</sup>

This act authorized further detailed organization by the Governor whenever necessary. Regulations were included for commissions, returns, musters, and punishments. The members of the "volunteer" militia were to serve for six years. By this act of May 28, 1861, the Governor was empowered to appoint as his staff "one Adjutant General, who shall also perform the duties of Inspector General, with the rank of Colonel of Cavalry, one Quartermaster General, (who shall also perform the duties of Commissary General,) with the rank of Lieutenant Colonel of Cavalry, one Paymaster General with the rank of Lieutenant Colonel of Cavalry, and one Surgeon General with the rank of Major of Cavalry, and he may also appoint four aids-de-camp with the rank of Lieutenant Colonel of Cavalry, and one Military Secretary with the rank of Lieutenant of Infantry." The following day an act "further to regulate the staff of the Commander-in-Chief" was passed, authorizing four additional or special aids-de-camp, and providing that the Adjutant General and Quartermaster General "shall be entitled to the full pay of their respective rank, during the time any troops may be in the actual service of this State, to be paid during the time said officers are in actual service only." At other times the salaries of these officers were, respectively, \$300 and \$200 per annum.<sup>154</sup>

At this special session still another act was passed providing for "the organization, equipment, and subsistence of the Militia-men of the State of Iowa." Herein it was

<sup>153</sup> *Laws of Iowa* (Extra Session), 1861, p. 21.

<sup>154</sup> *Laws of Iowa* (Extra Session), 1861, pp. 22, 23, 30.

enacted that "for the better protection of the exposed borders of this State, to resist marauding parties of Indians and other hostile persons, to repel invasions, and to render prompt and efficient assistance to the United States, the Governor be, and is hereby authorized and empowered to organize two Regiments of Infantry, one Battalion of not less than three Companies of Artillery, and one Squadron of not less than five Companies of Cavalry, and one Regiment of Mounted Riflemen for the service of the State".<sup>155</sup>

Apparently this act was intended to create a reservoir from which troops could be furnished to the United States as they might be required, for it was made the duty of the Governor "to fill all requisitions made by the United States upon this State from the Infantry herein provided, as far as practicable; and should the number of Regiments or Companies above mentioned, be, from any cause, reduced, or should they be mustered into the service of the United States, the Governor is hereby authorized and empowered to raise and equip such additional number of troops as he may deem expedient and necessary, in manner and form as prescribed in this Act, until the number shall be equal to the whole number of troops in this act above provided."<sup>156</sup>

The Adjutant General in his report for the year 1861 stated that there had been organized during the year one regiment entitled the "1st Regiment of the Western Division of the Iowa Volunteer Militia" with 933 men. This regiment went to the support of Unionists in northern Missouri three times during the summer of 1861. There were also partial organizations of regiments in Fremont, Madison, and Mills counties. That such organizations were not looked upon with favor by the Adjutant General is evident from the following comment:

<sup>155</sup> *Laws of Iowa* (Extra Session), 1861, pp. 27, 28.

<sup>156</sup> *Laws of Iowa* (Extra Session), 1861, p. 29.



I might make reference to partial organizations of other regiments and to many companies which are organized throughout the State, in favor of which I could say much, but believing as I do that those organizations and all others of our Volunteer Militia can never prove efficient or serviceable, unless the whole State is organized into regiments, brigades, and divisions, I have further recommendations to make upon that subject.

It is my opinion that the General Assembly of the State should immediately assign the counties which should constitute Regiments, Brigades, and Divisions, and until it is done, I believe that all further attempts at Militia organization in this State will prove a failure, or produce confusion. The representatives of the people ought to be the best judges of the manner in which these districts should be constituted. . . .

From the experience which I have had in this department I deem it my duty to recommend that the General Assembly amend the Militia Law so as to authorize the Governor of the State, whenever in his opinion the emergency arises that he shall have power to appoint an Assistant Adjutant General or Assistant Adjutant Generals, with such rank and compensation as will enable this department to command the services of some of the ablest men in the State.

Since the middle of Oct. last I have had the aid of Lieut. Col. J. C. Culbertson as Assistant Adjutant General. His sound judgment and industrious efforts have been of the most valuable assistance to me. During the time I have been organizing troops for the field I have had the most active and energetic assistance of your staff.

I would make further recommendations in relation to the organization of our Militia, but trusting that the Congress now in session, under the provisions of the Constitution of the United States, authorizing it "to provide for organizing, arming, and disciplining the Militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the Militia according to the discipline prescribed by Congress," I deem it only necessary for the Legislature to make the amendments to the militia law, which I have before suggested,

with perhaps the additional recommendation that a Military Board, or your Staff, have full authority to make such rules and regulations, not inconsistent with the Constitution and laws of this State, as may be necessary for a thorough and efficient militia organization.<sup>157</sup>

During the regular session of 1862 the General Assembly enacted a new and revised general militia law. The law was of the same general character as the one already on the statute books; but it was longer and more detailed. Under its provisions "all able-bodied white male citizens of this State, between the ages of eighteen and forty-five years, residing in this State, and not exempted by the laws of the United States", were subject to military duty with certain exceptions. The same general features that had characterized the earlier militia laws were embodied in this new legislation. Drafting and the use of substitutes received some attention. The duties of the Quartermaster General and the Paymaster General were turned over to the Adjutant General whose salary was fixed at "fifteen hundred dollars, until six months after the troops from this State, in the service of the United States, are mustered out of such service, and thereafter he shall receive an annual salary of five hundred dollars". Furthermore, the Adjutant General was allowed to employ two clerks in his office.<sup>158</sup> The General Assembly also made an appropriation to pay certain detachments of a company commanded by Captain James F. Morton, known as the "Frontier Rangers" for "actual and necessary service in preventing Indian depredations, and in pursuing marauding parties of Indians in the counties of Woodbury and Plymouth during the months of May and June, 1861". This company, it was asserted, had been "organized for the protection of the Northwestern

<sup>157</sup> *Report of the Adjutant General of Iowa*, 1861, pp. 6, 7, 8, 9.

<sup>158</sup> *Laws of Iowa*, 1862, pp. 231-238.

Frontier, according to the provisions of the Militia Law of the State of Iowa".<sup>159</sup>

The Ninth General Assembly met again in special session on September 3, 1862. When they had been in regular session earlier in the year, "the belief prevailed very generally that the strength of the rebellion against the General Government had been broken", and their legislation had been "controlled by that belief." Time had shown that belief to be unjustified, and there was need for a change in legislation. Reorganization of the office of the Adjutant General was especially desirable because of the additional duties which had been assigned to that officer.

"The labors of the office of the Adjutant General have been largely increased", said the Governor, "and must continue to be very great as long as the war lasts and for some time after its close. This State will soon have in the field nearly or quite fifty thousand men, and the interest and welfare of our soldiers and their friends require that the records of that office should be fully and carefully kept. The Adjutant General now discharges in addition to the proper duties of his office, the duties of Quartermaster General and Paymaster General. It is in my judgment impossible for one officer properly to superintend the labor of these three Departments. . . . I recommend that I should be authorized to appoint an Assistant Adjutant General who shall act as Paymaster General. A Quartermaster General can be appointed under the existing law, and then the duties now imposed upon the Adjutant General can be so divided and arranged, as in my judgment greatly to benefit the public service.

"In my judgment the compensation of the Adjutant General is not adequate either to the labor or the responsibility of his position, and I recommend an addition thereto, either

<sup>159</sup> *Laws of Iowa*, 1862, pp. 238, 239.

by allowing him a contingent fund for his traveling expenses, or by an increase of his salary."<sup>160</sup>

Governor Kirkwood also asked that certain residents of the State be exempted from military service. "There are in this State," he said, "some religious bodies who entertain peculiar views upon the subject of bearing arms, and whose religious opinions conscientiously entertained, preclude their so doing. Their members are generally among our most quiet, orderly, industrious and peaceful citizens, and their sympathies are wholly with the Government in this struggle now going on for its preservation, yet they cannot conscientiously bear arms in its support. It appears to me it would be unjust and wholly useless to force such men into the army as soldiers, and yet it would not be just to the Government or to other citizens that they should be wholly relieved from the burdens that others have to bear. I suggest, therefore, that these persons who cannot conscientiously render military duty, be exempted therefrom in case of draft, upon the payment of a fixed sum of money to be paid to the State."<sup>161</sup>

During the summer of 1862 there were various rumors of Indian attacks on the northwest frontier. The Governor reported that he had immediately sent Schuyler R. Ingham of Des Moines, to that region, with arms and ammunition, and "full authority to act as circumstances might require."<sup>162</sup>

Still another general militia law, amendatory of those already enacted, was passed at the special session of 1862.

<sup>160</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 311, 312, 313.

<sup>161</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 316, 317.

<sup>162</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 317.

By this act the distinction between the active "volunteer" militia and the "reserve" militia was abolished, and the entire militia of the State—all able-bodied white male citizens between the ages of eighteen and forty-five—were "required, and it is made their duty, to organize immediately into companies of Infantry, and meet for the purpose of drill and discipline, at their respective places of rendezvous, at such times as may be determined by each Company, and whenever the Governor shall so order."<sup>163</sup> Members of such companies need not be uniformed, but must arm themselves.

Detailed regulations for the organization of the different units were contained in this law, but the forming of regiments was left to the discretion of the Governor. This act, like nearly all the others, was lacking in definiteness and comprehensiveness. A blanket provision made it the duty of the Governor "to cause the militia of the State to be organized as speedily as possible into Companies, and he is hereby vested with full power and authority to make all necessary orders, rules and regulations for carrying out this act."<sup>164</sup>

In conformity with the Governor's advice the office of Assistant Adjutant General was created. This officer was also to serve as Paymaster General, and his salary was fixed at "one thousand dollars per annum, until six months after the expiration of the present war."<sup>165</sup>

The Northern Border Brigade and the Southern Border Brigade were authorized by the extra session of the Ninth General Assembly in 1862. The first statute of the session

<sup>163</sup> *Laws of Iowa* (Extra Session), 1862, p. 42.

<sup>164</sup> *Laws of Iowa* (Extra Session), 1862, p. 46.

<sup>165</sup> Under this law Philo E. Hall of Clinton County was commissioned Assistant Adjutant General on September 22, 1862.—*Laws of Iowa* (Extra Session), 1862, p. 49; *Report of the Adjutant General of Iowa*, 1863, Vol. I, Appendix, p. 1.

provided that "the Governor of the State of Iowa, be and he is hereby authorized and required, to raise a volunteer force in the State of Iowa from the counties most convenient to the North-Western border of said State, of not less than five hundred mounted men . . . to be stationed at various points in the North Western counties . . . for the protection of that portion of the State from hostile Indians, at the earliest possible moment. . . . Said force, or so much thereof as the Governor shall deem expedient, shall be held in service so long as he may deem it necessary; and during that time, the persons so volunteering shall be exempt from draft."<sup>166</sup> This act was twice amended during the same session, once to empower the Governor to furnish arms, horses, and subsistence instead of requiring the volunteers to do it, and again to make it clear that this force need be raised only when the Governor deemed it necessary.<sup>167</sup>

Under its provisions the Governor was also "authorized and required to raise a volunteer force in the State of Iowa, from the County of Wapello and each of the Counties in the Southern tier of Counties bordering on the State of Missouri, not less than one Company of mounted men . . . for the protection of the Southern border."<sup>168</sup> The act provided for four battalions, and they were to be continued in service as long as the Governor should deem necessary, and during this time they should be exempt from draft.<sup>169</sup>

Almost as soon as the law was passed authorizing the action, Governor Kirkwood took steps to organize the Northern Border Brigade. On September 12, 1862, Gen-

<sup>166</sup> *Laws of Iowa* (Extra Session), 1862, pp. 1, 2.

<sup>167</sup> *Laws of Iowa* (Extra Session), 1862, pp. 5, 16.

<sup>168</sup> *Laws of Iowa* (Extra Session), 1862, p. 14.

<sup>169</sup> *Laws of Iowa* (Extra Session), 1862, pp. 14, 15.

eral Order No. 1 was issued, announcing that five companies would be accepted — one to be raised at Sioux City, one at Denison, one at Fort Dodge, and one at Webster City, and a fifth to be made up of the company already stationed at Chain Lakes and Estherville. A Lieutenant Colonel was to be elected to have command of the entire force. The execution of these orders was delegated to S. R. Ingham, who soon had the companies mustered in and located. "One company was stationed at Chain Lakes, one at Estherville, and portions of companies at each of the following points, to-wit: Ocheyedan, Peterson, Cherokee, Ida, Sac City, Correctionville, West Fork, Little Sioux, and Melbourne, thus forming, in conjunction with the portions of Capt. Millard's Company stationed at Sioux City and Spirit Lake, a complete line of communication between Chain Lakes and Sioux City."<sup>170</sup> Much difficulty was experienced in maintaining a force of mounted men in this region, due to the scarcity and high price of hay, corn, and oats.

On November 7th James A. Sawyers — formerly First Lieutenant of the Sioux City Cavalry — was elected Lieutenant Colonel of the brigade, and he relieved Mr. Ingham of responsibility. During the winter, block-houses and stockades were erected at various points along the frontier. The Indians did not trouble the Iowa frontier that winter; indeed, it has been said that the "history of the Northern Iowa Border Brigade is largely the record of the erection of the line of fortifications in northwestern Iowa." In addition to fort-building, however, "there were the camp duties, drilling, scouting, target practice, and the keeping up of communication between the different posts and the U. S. forces at Fairmont, Minn., and at Sioux City. Now and then government dispatches were passed along the line, and whenever of great importance they were sent through

<sup>170</sup> *Report of the Adjutant General of Iowa, 1863, Vol. II, pp. 863, 865.*

from post to post on limited time. This service came to be known as the 'pony express'." <sup>171</sup>

Companies B and D of the brigade completed the work assigned to them early in the year of 1863 and were mustered out of service — their places being taken by detachments from the other companies. Companies A, C, and E remained in service until late in September, 1863. On September 26th General Order No. 121 was issued from Davenport, disbanding the brigade and authorizing the formation of a single company to take its place. This company, under Captain William H. Ingham, remained in service at Estherville for about three months.<sup>172</sup> A detachment of United States troops was then assigned to this frontier.

The organization of the Southern Border Brigade was authorized by General Order No. 98, issued October 8, 1862. Four battalions were provided for: the First Battalion to be raised in Lee and Van Buren counties; the Second Battalion in Wapello, Davis, and Appanoose counties; the Third Battalion from Wayne, Decatur, and Ringgold counties; and the Fourth Battalion from Taylor, Page, and Fremont counties.<sup>173</sup> After these forces were organized, better conditions existed upon the southern border. Prior to that time, there had been instances when troops from the border counties were called on to drive Missouri confederates far into their own State. In 1863 the "Tally War" — a minor disturbance at South English — gave opportunity for State troops to show their valor. In 1862 the rosters showed that the Northern Border Brigade had two hundred

<sup>171</sup> Clark's *Frontier Defense in Iowa, 1850-1865*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVI, p. 383; Ingham's *The Iowa Northern Border Brigade of 1862-3* in *The Annals of Iowa* (Third Series), Vol. V, pp. 499, 501.

<sup>172</sup> Clark's *Frontier Defense in Iowa, 1850-1865*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVI, pp. 384, 385.

<sup>173</sup> *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, p. 214.



and fifty enlistments, and the Southern Border Brigade seven hundred and ninety-four.<sup>174</sup>

In January, 1864, the Adjutant General reported some ninety-one companies of Guards, Blues, Greys, Rangers, Fusileers, Regulators, Rifles, Scouts, Bushwhackers, and the like throughout the State — mostly on the southern border.

The Tenth General Assembly felt that it should follow precedent, and enacted still another general militia law, which was approved March 26, 1864. Under it the entire militia of the State was "required to organize into companies of Infantry, Cavalry or Artillery." The companies which had been organized under the act of September 11, 1862, were continued, and authorized to retain their arms and accoutrements. County supervisors were required to keep militia registers of all persons subject to military duty. The Adjutant General was given the rank of Brigadier General.<sup>175</sup>

The number of companies organized under the militia law up to January 1, 1865, was nine hundred and seventeen. Some counties had only one company: Scott County led the list with thirty-six companies.<sup>176</sup>

The Adjutant General in his report for the year 1864 advised still further change in the militia law. A part of his report follows:

The Militia law of this State needs amendment. Every able-bodied male citizen between the ages of 18 and 45 should be compelled to do military duty twice a year, or he should be fined. The present law contemplates that, but for various reasons it has been neglected or avoided in many sections of the State. It is hoped that the next General Assembly will provide for all necessary proceedings before a Justice for the collection of fines, so that prompt

<sup>174</sup> *Report of the Adjutant General of Iowa, 1863, Vol. I, p. xv, 1864, pp. vii, viii, 677, 687.*

<sup>175</sup> *Laws of Iowa, 1864, pp. 90-95.*

<sup>176</sup> *Report of the Adjutant General of Iowa, 1865, pp. vii, viii.*

justice will visit the heads of those who have not done service abroad, and who shirk from all military duty at home. There should also be heavy penalties provided for punishment of officers who in any way connive at neglect or avoidance of duty by officers or soldiers under them.

It is desirable that the militia be organized into regiments, brigades, and divisions if we intend to have it efficient. This department has organized the companies as far as possible under your orders into regiments, and will continue during this year to organize other regiments; but it would seem best that the General Assembly should decide what regiments should compose a brigade and what brigades a division, but in case the General Assembly should omit to act, there can be no doubt, if the necessity arose, that the Governor of this State, as Commander-in-Chief of the militia, might designate the regiments for a brigade and the brigades for a division.<sup>177</sup>

A year later over a thousand militia companies were reported by the Adjutant General, but many of them were organized in name only, and "many of them since the conclusion of hostilities between the United States and the rebels, are the same as disbanded."<sup>178</sup>

Early in 1866 an order was issued relieving the aides-de-camp from duty. By it all officers on the staff of the Governor, with the exception of the Adjutant General and the Assistant Adjutant General, were dismissed. That there was a big slump in militia interest is apparent from the report of the Adjutant General:<sup>179</sup>

The present militia law is almost a dead letter so far as any active

<sup>177</sup> Col. F. H. Impey had succeeded Col. J. C. Culbertson as Assistant Adjutant General on December 1, 1864.—*Report of the Adjutant General of Iowa*, 1865, pp. xiii, xx.

<sup>178</sup> Some idea of the extent of the duties of the Adjutant General during this period may be gained from the expenses of his office. During the year 1865 the sum paid for clerk hire was \$10,615.96.—*Report of the Adjutant General of Iowa*, 1866, pp. iv, xx.

<sup>179</sup> *Report of the Adjutant General of Iowa*, 1867, Vol. I, p. xiv, Vol. II, p. 633.

militia is concerned. The activity and energy of those who labored for its organization during the war, has almost entirely disappeared, and this department has not the satisfaction of even receiving the returns which the law requires from county officers, and is therefore compelled in endeavoring to comply with the requirements of the laws of the United States, to make a very imperfect and unsatisfactory return to the War Department.

I am satisfied that the present militia law, with the existing feeling of the people of this State, should either be repealed or modified. We certainly ought to have in the State a few well organized and well drilled "active" militia companies. They may be required in an emergency, and would serve as a nucleus around which volunteers could rally in case of a "call" for them. Such companies we cannot have under the present law. If the people of this State want a small militia organization only, that cannot be had unless the law is made more stringent in its provisions, and unless officers and soldiers are properly paid for their services.

CYRIL B. UPHAM

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY IOWA

## THE MOVEMENT OF AMERICAN SETTLERS INTO WISCONSIN AND MINNESOTA

[Although the following article deals largely with events which occurred outside of the Iowa country, it is of interest to students of Iowa history as supplementary to the paper by the same author on *The American Occupation of Iowa, 1833 to 1860*, which appeared in *THE IOWA JOURNAL OF HISTORY AND POLITICS* for January, 1919. Conditions in Wisconsin and Minnesota were similar to those in Iowa. Indeed, the early history of the three States had much in common since Iowa was included in Wisconsin Territory from 1836 to 1838, and Minnesota was not separated from Iowa until 1846.—EDITOR.]

During the first three decades of the nineteenth century that part of the Upper Mississippi Valley included in the present States of Wisconsin and Minnesota remained practically in its primeval condition: only at widely scattered intervals were there indications of white settlements. The French were, of course, the original white inhabitants of the Upper Mississippi country. They were already settled in the Fox River Valley, at Green Bay, at the mouth of the Milwaukee River, at Prairie du Chien, and at other points along the Upper Mississippi when the Americans began to appear. They had mixed with the Indians, however, and did not constitute a particularly important factor in the development of the country during the years following the influx of American settlers. Some Swiss emigrants from Lord Selkirk's colony in the far northwest had settled at Fort Snelling with the permission of the military authorities.<sup>1</sup> A few Americans had established themselves at Green Bay, Blue Mounds, and Prairie du Chien. Along

<sup>1</sup> Williams's *A History of the City of Saint Paul, and of the County of Ramsey, Minnesota*, in the *Collections of the Minnesota Historical Society*, Vol. IV, pp. 42, 43. See also Neill's *The History of Minnesota: from the Earliest French Explorations to the Present Time*. pp. 389, 390.

the falls of the Black River the lumberman's ax had disturbed the wild beasts and aroused the jealousy of the Indians.<sup>2</sup> With these exceptions the territory between the Upper Mississippi and the Great Lakes was practically as it had been for half a century.

During the spring and fall the trappers and traders collected hides and furs and assembled at Fond du Lac or Prairie du Chien during the summer to exchange their hard-earned wealth for additional supplies before resuming their uncertain occupations in the cheerless wilds of the neighboring forests. The territory was too valuable, however, to remain merely a hunting ground. The rich lead mines in the southwestern part of Wisconsin, the rapid increase in the population of Illinois after 1824,<sup>3</sup> the suspension of active Indian hostility following the Black Hawk War,<sup>4</sup> the introduction of steam navigation on the

<sup>2</sup> Fonda's *Early Wisconsin* in the *Wisconsin Historical Collections*, Vol. V, p. 225. See also *Wisconsin Historical Collections*, Vol. I, p. 97.

In addition to the settlement of Ebenezer Brigham at Blue Mounds, Henry Dodge had located at Dodgeville about twenty-five miles distant. The Frenchman, Solomon Juneau, had already settled at the mouth of the Milwaukee. Colonel John Shaw had erected a saw-mill on the Black River as early as 1819, but it was destroyed by Indians before it had been operated.—*Wisconsin Historical Collections*, Vol. II, p. 230, Vol. III, p. 437.

<sup>3</sup> By 1824 the dispute over slavery had been settled in Illinois and immigration was encouraged. The people came in largest numbers during 1827 and 1828. Immigration was further encouraged by the introduction of steam navigation on the Illinois River in 1828. It "was no uncommon sight to see one hundred wagons in a single company going to the Sangamon country".—Pooley's *The Settlement of Illinois from 1830 to 1850* in the *Bulletin of the University of Wisconsin, History Series*, Vol. I, p. 325.

<sup>4</sup> The influx of white settlers preceding and following the Black Hawk War brought sufficient pressure to bear on the government at Washington so that treaties were exacted which gradually removed the Indians from the territory included within the present States of Wisconsin and Minnesota. The treaties opening this territory to the white settlers covered a period of more than thirty years beginning with the treaty made with the Winnebagoes in September, 1832. Outlines of the treaties, the date of each, with maps of the cessions are given in Royce's *Indian Land Cessions in the United States* in the *Eighteenth*

Great Lakes in the early thirties,<sup>5</sup> and the fertile lands covered with dense forests along the Upper Mississippi and its tributaries were all factors in the immediate settlement of Wisconsin and the later occupation of Minnesota.

The southwestern part of Wisconsin was the first to receive American settlers in large numbers, and for several years the southern section contained practically all the population found within the borders of the present State. The people were drawn thither by the lead mines found in what are now the counties of Grant, Lafayette, and Iowa. This lead region—embracing the Wisconsin territory just mentioned, the extreme northwestern corner of Illinois included in the counties of Jo Daviess and Carroll, and that part of Iowa now included within the boundaries of Dubuque County—was one of the richest in the world.<sup>6</sup> The mines had been worked by white men soon after the arrival of the French, and at the time of the American Revolutionary War the western armies of the contending forces had frequent skirmishes over the lead supply of the Fever River district. During the latter part of the eighteenth century and the first decade of the nineteenth, Julien Dubuque was the most prominent miner in that section. In 1810 the Indians around Prairie du Chien, temporarily abandoning the chase, manufactured approximately two hundred tons of lead which they traded to the Canadians. During the

*Annual Report of the Bureau of American Ethnology*, Pt. II. The treaties are given in the *United States Statutes at Large*.

<sup>5</sup> There had been a steamer on Lake Michigan at a much earlier date. This pioneer vessel called "Walk-in-the-Water" made a trip to Mackinaw in the summer of 1819. Other trips were made by this same vessel in 1820 and 1821. In the latter year she carried two hundred passengers and a large cargo from Detroit to Green Bay.—*Wisconsin Historical Collections*, Vol. II, p. 94, note. See also Albach's *Annals of the West* (Second Edition), pp. 655, 656.

<sup>6</sup> Thwaites's *Early Lead-Mining in Illinois and Wisconsin* in the *Annual Report of the American Historical Association*, 1893, pp. 191-196.

following year, an American built a furnace on an island in the Mississippi east of Dubuque and smelted lead.

The Americans began a more general movement in 1819. Jesse W. Shull, the founder of Shullsburg, Wisconsin, erected a trading post near the present site of Galena and began mining operations. Three years later Colonel James Johnson of Kentucky took out a lease from the national government, camped on the present site of Galena with some negro slaves, and began mining on the most extensive scale known at that time. Then came crowds of prospectors from Missouri, Kentucky, Tennessee, and from southern Illinois. In 1825 about one hundred persons were engaged in mining in this section. By 1826 the number had increased more than fourfold.<sup>7</sup> Then came the rush of 1827,<sup>8</sup> the Indian uprisings, the treaties, and the increased immigration into Wisconsin. During the early thirties prospectors extended their operations over the entire lead area and were followed by settlers. Platteville, Cassville, Belmont, Blue Mounds, Dodgeville, Shullsburg, and Mineral Point were some of the places that came into existence during this period. On October 1, 1830, the only post offices in this part of Wisconsin were at Platteville and at Prairie du Chien. By April, 1831, offices had been established at Cassville, Gibraltar, Helena, and Mineral Point.<sup>9</sup> Around

<sup>7</sup> Thwaites's *Early Lead-Mining in Illinois and Wisconsin* in the *Annual Report of the American Historical Association*, 1893, pp. 191-196.

<sup>8</sup> In 1827 "hundreds rushed to the district, which, in a short time, was computed to hold five thousand inhabitants", according to W. C. Whitford.—Whitford's *Early History of Education in Wisconsin* in the *Wisconsin Historical Collections*, Vol. V, p. 333. See also Daniel M. Parkison's *Pioneer Life in Wisconsin* in the *Wisconsin Historical Collections*, Vol. II, pp. 328, 329, where he says the excitement of 1827 "became intense, equalling almost anything pertaining to the California gold fever."

<sup>9</sup> *Table of Post Offices in the United States, Arranged by States and Counties; as They Were October First, 1830; with a Supplement Stating the Offices Established between the First of October, 1830, and the First of April, 1831.*

these frontier villages, where at night the wolves barked and howled unceasingly,<sup>10</sup> the early American pioneers of Wisconsin squatted or staked their claims. Interest in agriculture increased after 1832,<sup>11</sup> but mining was the leading industry of these early immigrants. When the Territorial government was organized in Wisconsin in 1836, thousands of pounds of lead ore drawn by long trains of oxen were passing monthly from Mineral Point by way of Belmont and Elk Grove to Galena, Illinois, whence it was shipped by boats to St. Louis.<sup>12</sup>

Farther east, in the Rock River Valley and along the shore of Lake Michigan, pioneers of a different type were settling during the same period,<sup>13</sup> having been drawn there in many instances by the extensive advertising which the Wisconsin country had received from soldiers who returned east after the Black Hawk War.<sup>14</sup> By 1836 the site where Janesville now stands had been occupied by Henry Janes.<sup>15</sup>

<sup>10</sup> *Wisconsin Historical Collections*, Vol. VI, p. 302.

<sup>11</sup> *Wisconsin Historical Collections*, Vol. II, p. 335. Parkison here says "the Superintendent of the mining country, seeing the absolute necessity of the thing, signified to the inhabitants, that he would not take any measures to prevent them from cultivating the soil; but could not, under his instructions from the General Government, give them any special permission to do so."

<sup>12</sup> *Wisconsin Historical Collections*, Vol. VI, p. 297.

In his message to the Territorial legislature on November 26, 1838, Governor Dodge said that "upward of ten millions of pounds of lead are sent east annually from the mines of Wisconsin."—*Niles' Register*, Vol. LV, p. 289.

<sup>13</sup> Mathews's *The Expansion of New England*, p. 236.

The lead region was occupied by people from the South, the southeastern section of the State, by settlers who came from the East.

<sup>14</sup> *Wisconsin Historical Collections*, Vol. V, p. 335.

<sup>15</sup> Janes's *Early Reminiscences of Janesville* in the *Wisconsin Historical Collections*, Vol. VI, pp. 426-435.

Janes was a typical pioneer. He was born in Virginia in 1804, whence he moved with his father to Ohio. In 1835 he came to Wisconsin and from there crossed the plains to California in 1849. He finally settled in Uniontown, Humboldt Bay, California. In 1855 he wrote as follows to the *Janesville Gazette*: "Since that time [the time of leaving Janesville] I have been con-



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Just north of there, two years later, people from New England and New York settled at Watertown, Jefferson, Fort Atkinson, and Lake Mills.<sup>16</sup> Madison, before the forests were cleared or a house built, had been selected as the capital of the newly organized Territory in 1836.<sup>17</sup> In the *Enquirer*, published at Madison under the date of June 1, 1839, appeared an account of an entry of twelve thousand acres in the vicinity of Fox Lake, two thousand five hundred acres of which had been purchased during the preceding fall by a company from the interior of New York, "and within the last three months another company from Pennsylvania has purchased nearly 5,000 acres for the same purpose. Immigrants are expected during the course of the present summer and approaching fall."<sup>18</sup> Still farther east, as early as November, 1834, Gilbert Knapp had become the first white settler in the vicinity of Racine.<sup>19</sup> Milwaukee had already been occupied and in western New York an organization was formed which was to have no small influence, either directly or indirectly, on the settlement of southeastern Wisconsin. This was the Western Emigration Company.

According to one who claimed to have been personally interested in the movement from its inception, the company owed its origin to a group of western enthusiasts who early in the winter of 1834 were guests of one J. Bullen, Jr., at

stantly working westward till the nasty Pacific has made a stop to further progress in that direction. In the fall of '49 I reached the Pacific, and yet the sun sets west of me, and my wife positively refuses to go to the Sandwich Islands, and the bark is starting off my rails, and that is longer than I ever allowed myself to remain on one farm; so that I am at a loss how to act in the present dilemma."

<sup>16</sup> *Wisconsin Historical Collections*, Vol. XI, p. 420.

<sup>17</sup> Thwaites's *Wisconsin*, pp. 243, 244.

<sup>18</sup> Quoted in *Niles' Register*, Vol. LVI, p. 264.

<sup>19</sup> *Niles' Register*, Vol. LIV, p. 339.

a supper given in Hannibal, New York. At a later meeting a constitution was drawn up which included a provision that each member of the company should move west by June, 1836. The capital stock was fixed at \$8000, to be divided into shares of ten dollars each. A committee was appointed to precede the main body, select a site, and notify members of the company in Hannibal when they had done so. This committee proceeded to Milwaukee by way of Chicago. Turning south from Milwaukee they attempted to secure land from settlers who had located on the present site of Racine, but in this they failed. Following the lake shore they finally staked off claims where the city of Kenosha now stands, and during the summer and fall of 1835 about fifteen families, most of them from Hannibal, came to the new settlement. Adventurers, speculators, and homeseekers followed the first immigrants very rapidly.<sup>20</sup>

<sup>20</sup> Some of the important articles in the constitution of the company were as follows:

"ART. 1. For the purpose of aiding those disposed to emigrate to the Western States or Territories, in the purchase of land and the pursuit of agriculture, manufactures, mechanics and other branches of industry, and the formation of a desirable community, we, the subscribers, do by the ratification and signature of this Constitution, agree to and hereby do associate ourselves into a joint stock company, to be called the '*Western Emigration Company*;' and we do severally promise and agree to and with each other, jointly and severally, to abide by and keep all and each of the stipulations herein contained — this instrument being intended for all the purposes of legal or equitable liability, as a contract between the parties thereto. . . .

"ART. 3. The capital stock, when paid in, shall be invested in the purchase of lands, improvements thereon, and claims thereto, in any of the Western States or Territories, and in such other manner as the Company shall, in pursuance of their general object, in regular meeting direct.

"ART. 4. The officers of the Company shall be a Chairman, Secretary, Assistant Secretary, a Board of Directors to consist of nine persons, a General Agent, a Treasurer, and a Committee of Finance. . . .

"ART. 16. The moneys arising from the sale of any lands, shall be distributed to stock-holders according to the amount of their stock, the Board of Directors to make such distributions, and the Treasurer to pay the same, on the order of the President of said Board.

"ART. 17. Whenever a stock-holder shall erect buildings, or make other im-

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A somewhat similar but less pretentious scheme resulted in the settlement of Beloit on the Rock River in the extreme southern part of Wisconsin. In the village of Colebrook, New Hampshire, in October, 1836, the New England Emigrating Company was formed by a group of twelve men. They had determined to move west, and sent their agent, Horace White, ahead to select a suitable location. White was so favorably impressed with the country around the present city of Beloit that he closed a deal for the lands, and by the middle of the next summer the New Hampshire colonists had arrived. They proceeded at once to build homes and to cultivate the soil. By 1838 the village was laid out and arrangements were made for the establishment of a college.<sup>21</sup>

Between 1836 and 1840 the number of people in the Territory of Wisconsin more than doubled; between 1840 and 1846 over one hundred thousand more were added to the population of Wisconsin.<sup>22</sup> Fruit trees of various kinds had been transported into the Territory. Wheat and corn

provements on any of the Company's land, or other lands held in trust for them, except mill sites, and the said lands shall afterwards be sold to any other person, such stock-holder shall be paid the actual value of such improvement, and shall be allowed to retain possession thereof six months after such sale, and until such payment be made.'—*Wisconsin Historical Collections*, Vol. II, pp. 451-455, 458.

For a history of the Western Immigration Company see Lothrop's *A Sketch of the Early History of Kenosha County, Wisconsin, and of the Western Emigration Company* in the *Wisconsin Historical Collections*, Vol. II, and Frank's *Early History of Kenosha* in the *Wisconsin Historical Collections*, Vol. III. Lothrop was evidently a member of the company. The company was dissolved in December, 1836, but not until its stockholders had lost money in the enterprise.

<sup>21</sup> Whitney's *The Settlement of Beloit as Typical of the Best Westward Migration of the American Stock* in the *Proceedings of the State Historical Society of Wisconsin*, 1898, pp. 131-135.

<sup>22</sup> The population of Wisconsin at the periods indicated was given in *Niles' Register*, Vol. LXXI, p. 144, as follows: 1830, 3245; 1836, 11,036; 1840, 30,945; 1842, 46,678; 1846, 155,277.

were growing well, and oats, rye, barley, buckwheat, peas, and beans were to be found to a lesser degree. There were numbers of farmers in 1838 who were cultivating from one hundred to one hundred and fifty acres of land, and had imported good breeds of horses, sheep, cattle, and hogs.<sup>23</sup> But these prosperous settlers with their fields of growing grain occupied the country in the southern and eastern parts of the Territory. Comparatively few homes had been built north of Madison and west of the settled area along the lake.

The first Americans to follow the fur traders into northwestern Wisconsin and into northeastern Minnesota were the lumbermen. They had begun to establish themselves at advantageous places along the streams of the north at a very early period. Colonel John Shaw had built a saw-mill on Black River as early as 1819.<sup>24</sup> In 1822 another was constructed on a branch of the Chippewa River by a man named Hardin Perkins from Kentucky. A treaty concluded with the Menominee Indians in 1836 opened a strip six miles wide and forty miles long to the lumbermen on the upper Wisconsin, and was followed by the construction of a number of mills in that section.<sup>25</sup> Wausau later became a center for the lumbermen of the region.<sup>26</sup> A treaty made with the Chippewa and the Sioux Indians in 1838

<sup>23</sup> *Niles' Register*, Vol. LIV, p. 339.

<sup>24</sup> *Wisconsin Historical Collections*, Vol. II, p. 230, Vol. III, p. 437.

<sup>25</sup> *Wisconsin Historical Collections*, Vol. II, p. 132, Vol. III, p. 438. These lands were purchased from the Menominee Indians by the United States and surveyed by the government evidently after they had been occupied by Americans.—Interior Department Lands, L. B. (manuscript), Vol. I, p. 122.

Through the courtesy of C. W. Alvord and of the Library of the University of Illinois I have been given access to *The Calendar of the Archives of the Department of the Interior at Washington* from which the manuscript material cited throughout this paper is taken.

<sup>26</sup> Ellis's *The "Upper Wisconsin" Country in the Wisconsin Historical Collections*, Vol. III, pp. 437, 438.

opened the St. Croix Valley to the lumbermen. Mills were erected at St. Croix Falls, at Marine, at Point Douglas, at Lakeland, and at Osceola;<sup>27</sup> and the lumbermen, assisted by the fur traders, discouraged the more permanent settlers.<sup>28</sup> In fact some of the lumbermen even at a later period sent petitions to the government praying that their pursuits be not interfered with until the land should be brought into the market.<sup>29</sup> Like the fur-traders, the lumbering interest were opposed to the agricultural settlements.

One of the most interesting of the early enterprises of this section, because of its connection with a people who were attracting considerable attention along the frontier at this time, was that conducted by the Mormons above the falls of the Black River. After these people had moved to Nauvoo they determined to build a Mormon temple and a Nauvoo house that would do credit to the religion which they had accepted. To procure material for the work they purchased mills in Wisconsin estimated by one of their number to be worth twenty thousand dollars. As many as one hundred and fifty men were employed at times in the service of the Mormons, and during the summer of 1843 they sent to Nauvoo a large amount of hewed timber and about two hundred thousand feet of sawed timber. The lumber sent down, however, was used for other purposes than those originally intended, and the difficulties in which the Mormons soon found themselves offered opportunities for unscrupulous members of their own sect to appropriate property which belonged to the community.

<sup>27</sup> Folsom's *History of Lumbering in the St. Croix Valley, with Biographic Sketches* in the *Collections of the Minnesota Historical Society*, Vol. IX, pp. 291-324.

<sup>28</sup> Gibbs's *Sketch of Prescott, and Pierce County* in the *Wisconsin Historical Collections*, Vol. III, pp. 459, 460.

<sup>29</sup> Interior Department Lands, L. B. (manuscript), Vol. I, p. 181.

The mill was sold for a few thousand feet of lumber about the time of the death of Joseph Smith.<sup>30</sup>

A census said to have been taken by Dr. Aldrich in 1845 gave to northwestern Wisconsin and to that part of the present State of Minnesota lying between the St. Croix and Mississippi rivers a population of fourteen hundred and nineteen.<sup>31</sup> Until comparatively recent times, in fact, the lumbermen dominated that territory, and such towns as developed first were essentially centers of lumbering interests. Settlers first appeared in this section along the Mississippi and the St. Croix rivers. Hudson, under the name of Buena Vista, and later of Willow River, was laid out in 1848.<sup>32</sup> Settlements were made in La Crosse County as early as 1841, but very few immigrants came before 1850. The town of La Crosse was settled during the latter year.<sup>33</sup> In the same year settlements were made farther east in the vicinity of Sparta.<sup>34</sup> Indian villages, which in 1840 were scattered along the Mississippi and the St. Croix rivers northward from Prairie du Chien, were replaced in a few years by the thriving towns or cities of Lansing in

<sup>30</sup> The interesting document from which this data is collected is published in the *Historical Society of Southern California Publications*, 1917, pp. 86-171. Under the title of "*De Tal Palo Tal Astilla*", by H. W. Mills, are published the fragments of a diary and a number of letters written by George Miller. Miller was a prominent member of the Mormon Church at Nauvoo, and was the member of that organization who had charge of the Wisconsin lumbering enterprise during the early forties. He was intimate with Joseph Smith and may have had ambitions to succeed the latter as head of the Mormons. The fragments were presented to Dr. Mills by George Miller, Jr., the son of the author of the diary and letters. The document will undoubtedly be of interest to students of Mormonism.

<sup>31</sup> Hall's *Hudson, and Its Tributary Region* in the *Wisconsin Historical Collections*, Vol. III, p. 467.

<sup>32</sup> *Wisconsin Historical Collections*, Vol. III, pp. 467, 468.

<sup>33</sup> *Wisconsin Historical Collections*, Vol. IV, pp. 383, 384.  
The county was organized in 1851.

<sup>34</sup> *Wisconsin Historical Collections*, Vol. IV, pp. 387-389.

Iowa, Prairie la Crosse, Prescott, and Hudson in Wisconsin, and Winona, Red Wing, and Stillwater in Minnesota.<sup>35</sup> Farther east near the central part of the State settlers began to occupy the country around New London. Northport, Hortonville, Iola, Ogdensburg, Scandinavia, Waupaca, and Shiocton were settled in the early fifties.<sup>36</sup> Many of these settlers were interested in farming.

American settlers had come at an earlier period to the extreme western end of Lake Superior around Fond du Lac, Minnesota. In 1832 the American Board of Foreign Missions established stations on the lake and erected a school among the Indians of Sandy Lake. Two years later the station was moved to Fond du Lac.<sup>37</sup> The school was under the direction of Edmund Franklin Ely. After the Indian titles to lands around the head of the lake were extinguished in 1854 and 1855, Ely became one of the founders of Superior where he was joined by a number of ambitious "hustlers" from St. Paul who made Superior one of the thriving centers of the lake region. Later Ely moved across the St. Louis River and became one of the first settlers of Oneota, Minnesota. Here he built a steam mill and docks, and for six years served as postmaster. Some of these early immigrants moved eastward along the north

<sup>35</sup> *Wisconsin Historical Collections*, Vol. II, p. 484.

<sup>36</sup> *Wisconsin Historical Collections*, Vol. III, pp. 482-488.

<sup>37</sup> Carey's *History of Duluth, and of St. Louis County, to the Year 1870*, in the *Collections of the Minnesota Historical Society*, Vol. IX, pp. 241-278, 292.

Fond du Lac was at first located in Wisconsin territory but later was moved to the Minnesota side. The early settlers of St. Paul looked upon it as the lake port for Minnesota and therefore a place of considerable importance. In the Minnesota year book for 1851 it is described as a very old settlement on the St. Louis River twenty-two miles from its entrance into Lake Superior, and destined to be a place of great importance.

See also Neill's *The History of Minnesota: from the Earliest French Explorations to the Present Time*, p. 432. Neill gives 1833 as the year in which Ely opened the school at Fond du Lac.

shore of the lake and settled at Beaver Bay which was incorporated in 1857.<sup>38</sup>

The demand for pine lumber created by the great influx into the lead region and the surrounding country and by the Indian treaties ratified in 1838 which opened to settlement the section between the Mississippi and the St. Croix rivers, brought eager lumbermen from Wisconsin, anxious to establish their industry in the new territory. Operations were begun along the west bank of the St. Croix as already indicated, but as the number of mills increased pioneer lumbermen began to move farther west.<sup>39</sup> Until after 1851 the Indian treaties of 1838 confined the industrial activities of the whites to the territory east of the Mississippi and south of the forty-sixth parallel. The first explorations, therefore, were made along the tributaries on that side of the river. The Rum River Valley had been explored before 1848 and found to contain a large amount of excellent timber. A mill erected at the Falls of St. Anthony began operations in 1848, securing its supply principally from this region.<sup>40</sup> In fact it was reported that preparations had been made for cutting and manufacturing from thirty to forty million feet of lumber from the public lands of Minnesota before 1855.<sup>41</sup>

Of the thousands of immigrants who took part in the westward movement of 1848 and 1849 "some learned wisdom", according to one patriotic chronicler,<sup>42</sup> and stopped

<sup>38</sup> Carey's *History of Duluth, and St. Louis County, to the Year 1870*, in the *Collections of the Minnesota Historical Society*, Vol. IX, pp. 241, 278.

<sup>39</sup> Folwell's *Minnesota: the North Star State*, pp. 79-82.

<sup>40</sup> Stanchfield's *History of Pioneer Lumbering on the Upper Mississippi and Its Tributaries, with Biographic Sketches*, in the *Collections of the Minnesota Historical Society*, Vol. IX, pp. 326-362.

<sup>41</sup> Interior Department Lands, L. B. (manuscript), Vol. II, p. 206.

<sup>42</sup> Larpenteur's *Recollections of the City and People of St. Paul, 1845-1898*, in the *Collections of the Minnesota Historical Society*, Vol. IX, p. 379.



in Minnesota. The number was sufficiently large to create a great demand for lumber at the Falls of St. Anthony and at St. Paul. The mill at the former place worked day and night in its attempt to supply the needs of the immediate community, and even then it was found necessary to have lumber shipped from mills at Stillwater in order to provide all that was necessary. Very soon, however, additional mills were constructed farther up the Mississippi and along the banks of its tributaries at Anoka, Centerville, St. Francis, Princeton, Monticello, St. Cloud, and Little Falls. Lumbering towns came into existence only to pass into oblivion when the industry which supported them ceased to operate, but the amount of the lumber cut increased down to the end of the century.<sup>43</sup> Some of the lumbering centers have retained their importance down to the present.

As soon as the mill was completed at the falls, the village of St. Anthony became a busy center. From the first it was an ambitious rival of St. Paul, which was located about six or eight miles by stage farther down the river. The former owed its advantage to its favorable location for the establishment of saw-mills, the latter to its position at the head of steam navigation on the Mississippi. By 1854 St. Anthony had become "a cheerful, pretty place, clean and well built, containing about 2500 inhabitants". The attractiveness of the scenery around the village, the location of the university there, and the "comfortable and civilized aspect of the town" had marked it as a fashionable summer resort, but along the river bank "saw-mills, foundries, shingle-machines, lath-factories", and other in-

<sup>43</sup> *Collections of the Minnesota Historical Society*, Vol. IX, pp. 326-362.

During the three years including the period from 1848 to 1850 twelve million feet of lumber were cut by the mills in this section. From 1851 to 1860 there had been more than three hundred and fifteen million feet cut, and this was increased each decade throughout the century. During the nine years from 1891 to 1899 more than four billion, four hundred million feet were sawed.

dustries testified to the spirit of the community.<sup>44</sup> In St. Paul at the same period were "four or five hotels, and at least half-a-dozen handsome churches, with tall spires pointing heavenward, and sundry meeting-houses, and a population of seven or eight thousand to go to them, and good streets with side-walks, and lofty brick warehouses, and stores, and shops, as well supplied as any in the Union; and 'an academy of the highest grade for young ladies;' and wharves at which upwards of three hundred steamers arrive annually, bringing new settlers to this favoured land, and carrying away its produce to the south and east."<sup>45</sup> As in most western communities there was apparent here both industrial and educational vision.

A potent factor in bringing settlers into Wisconsin and Minnesota during the early years of their history was the extensive advertising which the sale of government lands received throughout the more densely populated areas. On May 24, 1849, Thomas Ewing, Secretary of the Interior, directed that all advertisements of land sales in Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, and Minnesota should be published in the *Correspondent* of Chillicothe, Ohio, in the *Schnellpost* of New York City, and in the *Telegraph* of Buffalo, New York.<sup>46</sup> Upon request he had notices of land sales placed in the *Minnesota Pioneer*, published at St. Paul.<sup>47</sup> That Ewing personally had a high opinion of the value of the lands under consideration, particularly those in Wisconsin, is evident from his own

<sup>44</sup> Oliphant's *Minnesota and the Far West*, pp. 236, 244, 245.

A steamer of light draught had been launched above the Falls of St. Anthony and had navigated the stream—a distance of about eighty miles—to the Sauk Rapids.

<sup>45</sup> Oliphant's *Minnesota and the Far West*, p. 254.

<sup>46</sup> Interior Department Lands, L. B. (manuscript), Vol. I, p. 23.

<sup>47</sup> Interior Department Lands, L. B. (manuscript), Vol. I, p. 24; Interior Department, L. & R. R., L. R. M. (manuscript), Box 14.

statement.<sup>48</sup> A little later (August 11, 1852) a proclamation announcing land sales in Minnesota appeared in the *Register* published in Middlebury, Vermont.<sup>49</sup>

In the meantime farmers had pushed up north of St. Anthony's Falls and had made settlements along the banks of the Mississippi and its important branches. The Rum River country had been occupied by industrious Germans, and homes were found scattered at intervals along the Mississippi up to the vicinity of Crow Wing.<sup>50</sup> Even free negroes petitioned for a share of the fertile lands in this far-off territory.<sup>51</sup> Permanent settlers had increased in numbers on the banks of the St. Croix River; and in the northwest corner of the Territory, on the site of Lord Selkirk's experiment, farmers were raising wheat. But the place to which the early Minnesota booster pointed with greatest pride, the place which was referred to as "the prettiest country lying wild that the world can boast of, got up with greatest care and effort by old dame Nature ten thousand years or more ago, and which she has been improving ever since,"<sup>52</sup> was the country along the Minnesota River. The fertile land along this navigable stream and its tributaries was the goal of many an early immigrant. It was doubtless

<sup>48</sup> On October 9, 1849, he is reported to have declared the government lands in Wisconsin to be more desirable than those in Illinois.—Interior Department Lands, L. B. (manuscript), Vol. I, p. 48.

<sup>49</sup> Interior Department Lands, L. B. (manuscript), Vol. I, p. 211.

<sup>50</sup> Oliphant's *Minnesota and the Far West*, pp. 215, 236, 239, 241. A farmer who ran a hotel at Sauk Rapids cultivated about 150 acres of land. Oliphant says his wheat crop averaged twenty-two bushels to the acre and his oats thirty-five. A stage was running twice a week from there to the Falls of St. Anthony.

<sup>51</sup> On November 18, 1856, Robert McClelland, Secretary of the Interior, wrote Isiah Lawrence, a free negro, that there was nothing in the laws of the United States to prevent him as a free man of African descent from settling upon public lands in Minnesota and acquiring the right of preëmption.—Interior Department Lands, L. B. (manuscript), Vol. III, p. 347.

<sup>52</sup> Oliphant's *Minnesota and the Far West*, p. 258.

this region which Colonel James M. Goodhue, editor of the *Minnesota Pioneer*, had in mind when he said: "We will give Illinois May the start, and Minnesota shall come out ahead. Don't care what the crop is — any grain, any root — anything from a castor bean, or an apple or a pear tree, or a pumpkin, to a sweet potato or a tobacco plant. Why, sucker, do you know you have frosts about two weeks earlier in Illinois than we do here? It is a fact! We will show these people *sights* who come up here in May, and go shivering back home, saying that Minnesota is 'too cold for craps'." <sup>53</sup>

By 1854 there had been founded along the banks of this stream the towns of Shakopee, Le Sueur, Traverse des Sioux, Kasota, Mankato, and Henderson, all "thriving cities", containing from one to fifty log houses, "but with imaginary public buildings, squares and streets enough for a moderately sized empire".<sup>54</sup> Yet post offices had been established in every one of these towns, and in many others along the banks of the Minnesota, the Mississippi, and the St. Croix rivers. There were at least forty-six in Minnesota Territory in 1854.<sup>55</sup>

<sup>53</sup> Oliphant's *Minnesota and the Far West*, p. 255.

<sup>54</sup> Oliphant's *Minnesota and the Far West*, p. 258.

<sup>55</sup> Rode's *The United States Post-Office Directory and Postal Guide*.

The author claims to have compiled his list of offices from the records of the Post Office Department and to have corrected it up to April 1, 1854. The post offices are arranged alphabetically for the entire United States. Below will be found the list for Minnesota in 1854, including the county in which each post office was located.

COUNTY	POST OFFICE	COUNTY	POST OFFICE
Hennepin	Bloomington	Benton	Elk River
Wabashaw	Brownsville	Hennepin	Excelsior
Dakotah	Carlisle	Rice	Fairbault
Pembina	Cass Lake	Wanahatoh	Fort Ripley
Hennepin	Chanhasson	Dakota	Fort Snelling
Benton	Clear Lake	Wabashaw	Hastings
Washington	Cottage Grove	Sibley	Henderson
Benton	Crow Wing	Dakota	Kaposia
Benton	Decorri	Dakota	Lac qui Parle

## SETTLEMENT OF WISCONSIN AND MINNESOTA 423

According to Eli Bowen as early as 1851 nineteen or more post offices had been established in Minnesota with fairly well defined mail routes extending into remote parts of the Territory, and arrangements had been made for deliveries at intervals varying from once or twice a week to "according to opportunity".<sup>56</sup> Mail passed from Sauk Rapids to Pembina under the latter scheme, for instance, but from Swan River the mail was scheduled to leave for Pembina by way of Long Prairie on the first day of each month. There was another monthly route from Mendota via "Little Rapids, Traverse des Sioux, and Little Rock to Lac qui Parle." Between St. Paul and Fort Gaines by way of St. Anthony's Falls, Sauk Rapids, and the mouth of Swan River, the mails were scheduled once in every two

COUNTY	POST OFFICE	COUNTY	POST OFFICE
Dakota	Le Sueur	Ramsey	Red Rock
Ramsey	Little Canada	Goodhue	Red Wing
Benton	Little Falls	Wabashaw	Reed's Landing
Wahnakta	Long Prairie	Ramsey	St. Anthony's Falls
Ramsey	Manowine	Ramsey	Saint Paul
Blue Earth	Maukato	Benton	Sauk Rapids
Dakota	Mendota	Scott	Shak' pay
Hennepin	Minneapolis	Washington	Stillwater
Wabashaw	Minneapolis City	Benton	Swan River
Wabashaw	Minnioah	Washington	Taylor's Falls
Wabashaw	Mount Vernon	Dakota	Traverse des Sioux
Pembina	Pembina	Benton	Watah
Washington	Point Douglass	Wabashaw	Winona
Pembina	Red Lake		

<sup>56</sup> Bowen's *The United States Post-Office Guide*, pp. 174, 300. There is another volume: *Table of Post-Offices in the United States on the First Day of January, 1851, Arranged in Alphabetical Order and Exhibiting the States, Territories, and Counties in Which They are Situated, with the Names of the Postmasters; also an Appendix Containing a List of the Post-Offices Arranged by States and Counties, to Which is Added a List of Offices Established, Changed, or Discontinued to May 31.*

The two volumes give the same list of offices for Minnesota Territory, but the latter does not give the routes. While the information contained in these and similar volumes for the early period may not be absolutely accurate, such errors as occur are likely to be errors of omission rather than errors of commission. There are numerous instances of the former in California, for example, as there are doubtless in other States. The spelling of various names, it will be seen, does not agree with that in use at present.

weeks, and there were several weekly deliveries between points along the Mississippi and the St. Croix rivers.<sup>57</sup>

When Minnesota was organized as a Territory in 1849 it contained an estimated population of four thousand and fifty-seven.<sup>58</sup> A year later, according to the United States census of 1850, there were six thousand and seventy-seven. This increased to an estimated population of one hundred and forty thousand in 1854, and one hundred and fifty thousand in 1857.<sup>59</sup> The Federal census of 1860 gives the State a population of one hundred seventy-two thousand and twenty-three. In January, 1849, St. Paul was a village containing about a dozen buildings and about one hundred and fifty inhabitants; by the first of July following, it is described as having one hundred and forty-two houses and eight hundred and forty people. The population is said to have increased from eight hundred and forty during the summer of 1849 to seven or eight thousand in 1854.<sup>60</sup>

While foreign immigration, as already indicated, does not occupy a prominent place in this study, in the particular territory under consideration the subject is too important to pass without a brief notice. The Welch came to Wisconsin during the early period of active interest in lead mining, and a little later we find them settled in several

<sup>57</sup> Bowen's *The United States Post-Office Guide*, p. 300.

<sup>58</sup> Leonard's *Early Days in Minneapolis* in the *Collections of the Minnesota Historical Society*, Vol. XV, p. 497.

G. Fletcher Williams gives the population as four thousand seven hundred and eighty, more than seven hundred of whom lived in the Dakota territory. This included three hundred and sixty-seven soldiers in the forts.—Williams's *A History of the City of St. Paul and of the County of Ramsey, Minnesota*, in the *Collections of the Minnesota Historical Society*, Vol. IV, p. 228.

<sup>59</sup> *Collections of the Minnesota Historical Society*, Vol. XV, p. 497; Oliphant's *Minnesota and the Far West*, p. 259.

<sup>60</sup> Williams's *A History of the City of St. Paul and of the County of Ramsey, Minnesota*, in the *Collections of the Minnesota Historical Society*, Vol. IV, pp. 208, 224, 228. See also Oliphant's *Minnesota and the Far West*, pp. 252-254.

large groups in Winnebago, Columbia, Dodge, Sauk, and Racine counties.<sup>61</sup> As early as December, 1839, the *Peoria Register* stated that two thousand Russian families, flying from religious persecution at home, were about to settle in Wisconsin Territory.<sup>62</sup> On January 4, 1840, *Niles' Register* noted that one hundred emigrants "from the pine clad mountains of Norway" had passed through Chicago a few weeks earlier en route to Wisconsin where they were to make settlements. By the thirteenth of March, 1847, according to the same authority, the legislature of Wisconsin had ordered three hundred copies of the Governor's message printed in the Norwegian tongue to accommodate "some thousands" of Norwegians who had settled within the boundaries of the Territory.<sup>63</sup> In 1845 a colony of nearly two hundred Swiss from the "frowning yet beloved mountains, on whose rugged sides they had left their poor homes" <sup>64</sup> in the canton of Glarus came to build for themselves a new Glarus in Green County. With these came Germans, Irish, English, Bohemians, Poles, Dutch, Belgians — in fact, practically every nation of the earth, except Turkey and China, was represented in Wisconsin's population by 1850, but the German element was the largest.<sup>65</sup> Many Germans came to America as a result of the Revolution of 1848.

<sup>61</sup> Thwaites's *Wisconsin*, p. 294.

<sup>62</sup> Quoted in *Niles' Register*, Vol. LVII, p. 272.

<sup>63</sup> *Niles' Register*, Vol. LVII, p. 304, Vol. LXXII, p. 20.

<sup>64</sup> Luchsinger's *The Planting of the Swiss Colony at New Glarus, Wisconsin*, in the *Wisconsin Historical Collections*, Vol. XII, pp. 335, 350.

This "admirable paper", Thwaites says, "was the first monograph on the planting of an organized foreign colony in Wisconsin".

<sup>65</sup> *Seventh Census of the United States*, 1850, p. XXXVII. See Gregory's *Foreign Immigration to Wisconsin* in the *Proceedings of the State Historical Society of Wisconsin*, 1901, pp. 137-143. Following this are brief articles on *Influence of the Germans in Wisconsin*; *Polanders in Wisconsin*; *The Scots in Wisconsin*; and *Our Bohemian Population*.

As early as 1832, according to Reuben Gold Thwaites, a scheme was initiated in Bavaria to purchase a large tract of land in the United States which was to be occupied by the Germans and to be called New Germany. A number of books and pamphlets were published advocating the plan, and in several of these Wisconsin was suggested as the place most desirable for the successful establishment of such a colony. While the project was not realized it had advocates at intervals as late as 1878.<sup>66</sup> Between March 2nd and September 5th, 1840, about fourteen thousand Germans had arrived in New York, the majority of whom were on their way to settle in the West.<sup>67</sup> Some of these may have come to Wisconsin. By 1846 a number of individuals had begun to advertise Wisconsin among the Germans in the "Fatherland". Frequently their favorable accounts of this western territory were published in pamphlet form and distributed among eager readers at home. The descriptions of the country, the accounts of its natural resources, the clause in the new Constitution of the State permitting an alien to vote after a year's residence, the Revolution of 1848 in Europe, together with religious disturbances and other causes for discontent within Germany, were incentives for these people to seek homes in Wisconsin. After 1848 they came by the thousands. "Educators and physicians, musicians and artists, actors, theologians, army officers, and engineers — all of them independent characters, and longing for freedom and liberty — settled on the borders of civilization, in a country then in the prime of development."<sup>68</sup> At first they occupied the counties in the eastern part of the State and then spread "into the denser

<sup>66</sup> Thwaites's *Wisconsin*, p. 289.

<sup>67</sup> *Niles' Register*, Vol. LIX, p. 16.

<sup>68</sup> Hense-Jensen's *Influence of the Germans in Wisconsin* in the *Proceedings of the State Historical Society of Wisconsin*, 1901, pp. 144-147; Thwaites's *Wisconsin*, pp. 289-291.



woods of the north, which they soon converted into a productive and prosperous region.”<sup>69</sup>

In Minnesota the two thousand and forty-eight foreigners constituted a little more than a third of the Territory's population in 1850. Of these the largest number — fourteen hundred and seventeen — came from Canada, but there were Irish, Germans, and English, and a few representative from Scotland, France, Holland, Switzerland, Norway, Sweden, and the other nations of the earth.<sup>70</sup> Between 1850 and 1860 fifty-six thousand seven hundred and fifty foreigners came into Minnesota, yet the percentage of foreign born to the total population in 1860 had increased less than two per cent over that of 1850.<sup>71</sup> In 1860 more than ten per cent of Minnesota's foreign population was German. These, with the other foreigners, had settled for the most part in the rural districts rather than in the cities and constituted a valuable part of the citizenry of the Commonwealth.<sup>72</sup>

In conclusion it may be said that the population in Wisconsin and Minnesota at the time of their admission to Statehood was drawn from varied sources. The people had come from almost every nation of the world and from all parts of the Union. The census reports of 1850 show that every State except California was represented in Wisconsin's population. Even in Minnesota at the same period there were people from all the States except Florida, Mississippi, and Texas. To be sure the representation from southern States was small compared with that from the

<sup>69</sup> Thwaites's *Wisconsin*, pp. 289-292.

<sup>70</sup> *Seventh Census of the United States*, 1850, p. XXXVII.

<sup>71</sup> *Eleventh Census of the United States*, 1890, Vol. I, pp. LXXXIX, 472.

During this same period the foreign born population in Wisconsin had decreased about one and a half per cent.

<sup>72</sup> *Eighth Census of the United States (Population)*, 1860, p. XXXI.

northern section, and even in the North some States had much larger representations than others. More than one-fifth of Wisconsin's total population in 1850, for example, came from New York. New York's total contribution — sixty-eight thousand five hundred ninety-five — was more than double that of New England which totaled twenty-seven thousand and twenty-nine. In Minnesota there were in 1850 four hundred and eighty-eight people from New York and six hundred and fifty-five from New England, three hundred and sixty-five of whom came from Maine. These Americans and their foreign neighbors, occupying the mining area and opening for cultivation the fertile regions in southern Wisconsin along the lake shore, in the valleys of the Mississippi and the St. Croix and their principal tributaries, building their mills in the rich pineries of the north, erecting their homes and their churches, and making liberal provisions for their educational institutions, were the founders of the present States of Wisconsin and Minnesota.

CARDINAL GOODWIN

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## SOME PUBLICATIONS

*A History of Missouri.* By Eugene Morrow Violette. Chicago: D. C. Heath & Co. 1918. Pp. xxxiii, 500. Maps, plates. Unlike most State histories, this book is written with the definite purpose of providing a text-book on the history of the State which may be used in connection with high school courses in American history. "In this work", the writer explains, "no space is given to things that are strictly local. The effort has been to deal with only those topics in Missouri history that have significance in the history of the nation." Indeed, the historical setting is presented at the beginning of each chapter so that the reader or high school student may interpret the events which occurred in Missouri as parts of the general movements and thereby receive a clearer insight into both State and national affairs. Lists of references are given at the close of each chapter; while a general bibliography and index complete the volume.

By omitting many incidents of purely local significance and the biographical data frequently included in State histories, Professor Violette has succeeded in presenting in one volume much historical material both valuable and interesting to residents of Missouri and in some cases of equal value to students of history outside of that State. Such a compilation of State history fills a long felt want of high school history teachers. Although State histories of this type do not provide the record of State activities which should be compiled for the intensive study of State history, it is to be hoped that similar work may be done in other States so that the citizens of each Commonwealth may become familiar with the part played by their locality in the events which determined the destiny of the United States.

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*The Scottish Historical Review* for April contains, among others, the following articles: *The Scottish Craft Guild as a Religious Fra-*

*ternity*, by Robert Lamond, and *Glasgow in 1781*, by David Baird Smith.

Chauncey M. Depew and John R. Totten are the writers of short articles on Theodore Roosevelt published in the April number of *The New York Genealogical and Biographical Record*.

*The Labor Law of Maryland*, a monograph by Malcolm H. Lauchheimer, is published in a recent number of the *Johns Hopkins University Studies in Historical and Political Science*.

*John C. Calhoun and the Secession Movement of 1850*, by Herman V. Ames, is one of the papers found in the *Proceedings of the American Antiquarian Society* for April, 1918.

The March number of *The Annals of the American Academy of Political and Social Science* is devoted to the following general subjects: *Industries in Readjustment*; *Capital and Labor in Readjustment*; *Economic Utilization of Industrial Equipment*; *Standardization of Industrial Equipment*; and *The Industrial and Financial Outlook*. The issue for May contains a large number of papers on *International Economics*, among which are the following: *The Declining Independence of the United States*, by Grosvenor M. Jones, and *Economic Foundations of the League of Nations*, by F. C. Howe.

*Making America*, by Franklin K. Lane, and *Suffrage a Labor Movement*, by Walter Clark, are two papers which appear in the *American Federationist* for May. The June number contains a report of the labor commission at the peace conference.

In addition to editorials and notes, the *Journal of the American Institute of Criminal Law and Criminology* for May contains the following papers on current topics: *Court-Martial Sentences During the War*, by Enoch H. Crowder; *Notes on the Procedure of Courts-Martial*, by Lewis K. Underhill; *Free Speech and the Espionage Act*, by G. P. Garrett; and *The Human Element in Justice*, by George Everson.

*Legal Profits of Efficiency*, by C. J. Foreman, *Pre-emption in Trade Marks*, by Garrard Glenn, and *Outstanding Events in Rail-*

*way Regulation*, by Edgar Watkins, are three papers which appear in the March issue of the *Columbia Law Review*.

*The Monroe Doctrine*, by A. F. Pollard, an article of especial interest to Americans, is published in the April number of *History*.

*The South Atlantic Quarterly* for April contains the following articles of general interest: *Walter Hines Page: Friend of the South*, by Edwin Mims; *Educational Values in Schools for Negroes*, by Stuart Grayson Noble; *George Washington Cable: An Appreciation*, by Edwin W. Bowen; *Grover Cleveland and the Beginning of an Era of Reform*, by Earle D. Ross; and a continuation of *Federal Politics in North Carolina, 1824-1836*, by William K. Boyd.

The Federal Bureau of the Census has published a report on *Marriage and Divorce* for the year 1916. This is the first collection of statistics on this subject since the two-volume report covering the period from 1867 to 1906.

The spring number of *The American Indian Magazine* contains addresses on the Indian Bureau by Carlos Montezuma and Hiram W. Johnson. Harvey W. Wiley contributes a paper on *Peyote*.

*Effects of the Great War Upon Agriculture in the United States and Great Britain*, by Benjamin H. Hibbard, has recently appeared as number eleven of the *Preliminary Economic Studies of the War* published by the Carnegie Endowment for International Peace.

*The Man Who Overcame*, by Herman Hagedorn, is a brief character sketch of Theodore Roosevelt which appears in the March number of *Carry On*.

*An Analysis of Ruffin's Farmers' Register, with a Bibliography of Edmund Ruffin*, by Earl G. Swem, has been issued recently as one number of the *Bulletin of the Virginia State Library*. The following number contains a third installment of *A Bibliography of Virginia*, also by Earl G. Swem.

*A Select List of References on Economic Reconstruction*, compiled under the direction of Herman H. B. Meyer, has been published recently by the Library of Congress.

A second volume of *The Papers of Thomas Ruffin* has recently been issued as one of the numbers in the *Publications of the North Carolina Historical Commission*. These papers, like those in the former volume, are collected and edited by J. G. de Roulhac Hamilton.

*County Government and County Affairs in North Carolina* is the title of a collection of addresses delivered before the North Carolina Club at the University of North Carolina in 1917-1918. Among the papers included in this volume, the following may be noted: *The County in North Carolina: Its Origin, Place, and Functions*, by J. G. de Roulhac Hamilton; and *The County Government System in North Carolina*, by Atwell Campbell McIntosh.

*Mankind's Best Friend*, by Ernest Harold Baynes, and *Intimate Studies of Dogs We Know*, by Louis Agassiz Fuertes and Ernest Harold Baynes, are two of the articles in the March number of *The National Geographic Magazine*. In the issue for April are the following papers: *The Cone-Dwellers of Asia Minor*, by J. R. Sitlington Sterrett; *The Murman Coast — Our Gateway to Russia*; and *The Ten Thousand Smokes Now a National Monument*. Among the articles which appear in the May issue are: *The Industrial Titan of America*, by John Oliver La Gorce; *Hunting Big Game of Other Days*, by Barnum Brown; *Indiana's Unrivalled Sand-dunes*, by Orpheus Moyer Schantz; and *Helium, the New Balloon Gas*, by G. Sherburne Rogers.

After an interval of some months The National Voters' League has resumed the publication of the monthly periodical now known as *The Searchlight* — formerly *The Searchlight on Congress*. The issue for May contains a large number of editorials and articles of general interest, among which are the following: *How to make Congress Function* — an interview with Congressman Alvan T. Fuller; *North Dakota's Antidote for Bolshevism*, by John M. Baer; *The Ford-Newberry Contest*; and *A Review of the War Congress*. *The League of Women Voters*, by Jessie R. Haver, and *The National War Labor Board*, by Basil M. Manly, are among the articles in the June number.

*Soldier Memorials in Country Towns*, by Edmond deS. Brunner, is a brief article of general interest which is found in the April number of *The American City*. *An Appeal to Chambers of Commerce*, by Arthur Woods, *A Municipal Natatorium for Des Moines, Iowa*, by Harry B. Frase, and *Common Sense, Science and Drinking Fountains*, by John H. Dunlap, are short articles of interest to Iowans to be found in the May issue. In the June number, among many others, is an article entitled *The Opportunity of the County*, by H. S. Gilbertson.

*The Beginnings of the Miscegenation of the Whites and Blacks*, by Carter G. Woodson, is one of the articles published in *The Journal of Negro History*, for October, 1918. In the January issue the following articles are included: *Primitive Law and the Negro*, by Roland G. Usher; *Lincoln's Plan for Colonizing the Emancipated Negroes*, by Charles H. Wesley; and *The Anti-Slavery Society of Canada*, by Fred Landon. The two articles which appear in the April number are *The Conflict and Fusion of Cultures with Special Reference to the Negro*, by Robert E. Park, and *The Company of Royal Adventurers trading into Africa*, by George Frederick Zook.

*The Relations of Recent Psychological Developments to Economic Theory*, by Z. Clark Dickinson, *Latin American Foreign Exchange and International Balances During the War*, by John H. Williams, *Positive Contributions of Scientific Management*, by Henry H. Farquhar, *Indebtedness of Principal Belligerents*, by Louis Ross Gottlieb, and *The Iron-ore Problem of Lorraine*, by Abraham Berglund, are articles which appear in *The Quarterly Journal of Economics* for May.

Among the papers published in *The American Economic Review* for March is one on *The Federal Farm Loan System*, by George E. Putnam. The *Papers and Proceedings of the Thirty-first Annual Meeting of the American Economic Association* and the *Report of the Committee on War Finance of the American Economic Association* are printed as supplements to this number. *The Revenue Act of 1918*, by Roy G. and Gladys C. Blakey, *An American Standard of Value*, by D. J. Tinnes, and *The Purposes Achieved by Railroad*

*Reorganization*, by Arthur S. Dewing, are three of the articles in the June number.

*The American Political Science Review* for May contains the following papers: *The Paris Covenant for a League of Nations*, by William Howard Taft; *Organization and Procedure of the Peace Conference*, by Charles G. Fenwick; *Political Parties and the War*, by John M. Mathews; *American Government and Politics*, by Lindsay Rogers; and a second installment of *Constitutional Law in 1917-1918*, by Thomas Reed Powell. Charles Kettleborough is the compiler of *Legislative Notes and Reviews*; Robert E. Cushman writes *Judicial Decisions on Public Law*; and Frederic A. Ogg discusses *Foreign Governments and Politics*.

*The Ninety-first, The First at Camp Lewis*, by Alice Palmer Henderson, is a volume of some five hundred pages which presents the story of one of the great cantonments and the first division trained there. In the twenty-six chapters of this book are to be found an account of the various phases of camp life — the military training, hospital service, the library, the hostess house, and all the other great forces which combined to give to the men in the camp military efficiency and a high standard of living.

*The Regions of Mixed Population in Northern Italy*, by Olinto Marinelli, *High-Altitude Flying in Relation to Exploration*, by Henry Woodhouse, and *The Circumference of Geography*, by Nevin M. Fenneman, are articles found in the March issue of *The Geographical Review*. The April number contains, among others, the following papers: *Principles in the Determination of Boundaries*, by Albert Perry Brigham; *The Northeastern Minnesota Forest Fires of October 12, 1918*, by H. W. Richardson; and *Air Routes to Australia*, by Griffith Taylor. In the May issue there is a discussion of *The New Boundaries of Germany According to the Peace Treaty*; Vilhjálmur Stefánsson writes on "*Living off the Country*" as a *Method of Arctic Exploration*; R. N. Rudmose Brown contributes a paper on *Spitsbergen, Terra Nullius*; Allan H. Gilbert writes of *Pierre Davity: His "Geography" and Its Use by Milton*; and Robert DeC. Ward discusses *Frost in the United States*.



The April number of *The Historical Outlook* contains, among others, the following articles: *1919 in the Light of 1788*, by Edmund C. Burnett; *The New Germany*, by Laurence M. Larson; *Foreign Opinion of Germany before 1914—A German Interpretation*, translated by Clyde W. Park; *Some New Evidence on the Origin of the Stars and Stripes*, by George E. Hastings; *What France Has Done in the War*, by the French High Commission; and an outline of the *United States and the World War*, by Harry G. Plum. In the issue for May, the following articles may be noted: *Japan and the Great War*, by Payson J. Treat; *The Revolution in Hungary*, by Laurence M. Larson; *The Food Administration: A Test of American Democracy*, by Everett S. Brown; *The Background of Germany's Hold on Russia*, by Eugene N. Curtis; and *The Study of English History as an Influence in Promoting a Closer Anglo-American Entente*, by Arthur L. Cross. Three articles which appear in the June number are: *War Tasks and Accomplishments of the Shipping Board*, by J. G. Randall; *The Money Costs of the War*, by Ernest L. Bogart; and *A New Internationalism*, by F. W. Gosling.

*The National Municipal Review* which was formerly a bi-monthly publication became a monthly beginning with the May issue. Among the articles which appear in the March number are the following: *Town Planning in Relation to Land Taxation*, by Thomas Adams; *The New Relation of the Federal Government to State and Local Communities*, by Arthur W. MacMahon; *Community Houses as War Memorials*, by Albert S. Bard; and *A Permissive City Manager Law*, by A. R. Hatton; *New Visions in Public Recreation*, by George A. Bellamy, and *The Next Problem in City Zoning*, by Francis P. Schiavone, are among the contributions to the May number. In the issue for June James Bronson Reynolds writes of *A Landlord's Encounter with the Underworld*; J. O. Hammitt discusses *Managing a Temporary Town*; and Henry W. Farnam writes of the *Psychology of the Standpatter*. There is also a third installment of T. David Zukerman's *The Fate of the Five-Cent Fare*.

Among the papers included in the April issue of *Special Libraries*

are the following: *The Library and Commercial Art*, by Arthur E. Bostwick; *Picket Lines of Progress*, by John A. Lapp; and *The Pamphlet Library*, by John Cotton Dana. The issue for May contains, among others, papers on the following topics: *Chemistry and the Special Library — a Foreword*, by Arthur D. Little; *The Public Library in the Service of the Chemist*, by Ellwood H. McClelland; and *A Selective Bibliography on Dehydrated Foods*, compiled by E. D. Greenman. Some of the articles in the June number are the following: *The Value of a Library in a Financial House*, by Francis H. Sisson; *The Formation of a Financial Library*, by Beatrice E. Carr; *The United States Treasury Department Library*, by Emma M. Triepel; and *The American International Corporation Library*, by Margaret E. Wells.

*European Theories of Constitutional Government after the Congress of Vienna*, by William A. Dunning, *The Intellectual Pre-eminence of Jews in Modern Europe*, by Thorstein Veblen, *The American Revolution Reconsidered*, by Arthur Meier Schlesinger, *Difficulties of World Organization*, by Frederick F. Blachly and Miriam E. Oatman, *Price Fixing in the United States during the War*, by Lewis H. Haney, *The Expansion of Europe*, by William R. Shepherd, *Thoughts on Permanent Peace*, by B. B. Kendrick, and *Political Philosophy and a League of Nations*, by Lindsay Rogers, are articles found in the March issue of the *Political Science Quarterly*. In the number for June the following papers and articles appear: *Holland's International Policy*, by C. van Vollenhoven; *The Federation of India*, by B. Houghton; *Popular Control of Government*, by Frederick A. Cleveland; *The Political Ideas of James I*, by Harold J. Laski; and *Henry Adams on Things in General*, by William A. Dunning. There are also continuations of the articles by William R. Shepherd and Lewis H. Haney which appeared in the March number.

#### WESTERN AMERICANA

The March issue of *Texas Municipalities* contains a tentative program of the seventh annual convention of Texas municipalities. There are also two articles: *Municipal Sanitation*, by V. M. Ehlers

and Louva G. Lenert, and *Why Every Community Needs Comprehensive Recreation Now*, by Myron A. Kesner.

The Archaeological Institute of America has recently published an oration, delivered by Frank Springer at a Roosevelt memorial service, as number forty-three of the *Papers of the School of American Research*.

*The Wisconsin Archeologist* for January contains an article by Charles E. Brown on *Stone Celts*. There is also a paper by J. F. Wojta entitled *Wisconsin Indians Learn Farming*.

*The Graduate Magazine of the University of Kansas* for April contains an article by David L. Patterson on *Growth of Democracy in University and College Administration*. In the May issue Helen Perry Edwards discusses "What's the Matter With Kansas?"

Among the contributions which appear in *The Quarterly Journal of the University of North Dakota* for April are the following: *The Surface Features of North Dakota and Their Origin*, by Arthur Gray Leonard; *Sewage Disposal in North Dakota*, by Elwyn F. Chandler; and *Some Chemical Problems of National Interest During the Reconstruction Period*, by George Alonzo Abbott.

*Ifugao Law*, by R. F. Barton, *Nabaloi Songs*, by C. R. Moss and A. L. Kroeber, and *The Genetic Relationship of the North American Indian Languages*, by Paul Radin, are three monographs which have recently appeared in the *University of California Publications in American Archaeology and Ethnology*.

Among many short papers, the March number of *Library Notes and News*, published by the Minnesota Public Library Commission, contains the following articles: *Hospital Library Service at Fort Snelling*, by Katharine Patten; *Library War Service*; *National Library Service*; *Work for Child Protection in Our Libraries*, by Elva L. Bascom; and *Americanization at Sumner Branch Library, Minneapolis*, by Adelaide C. Rood.

The April number of *Washington University Studies* contains an extended article by Chauncey Samuel Boucher on *South Carolina and the South on the Eve of Secession, 1852 to 1860*.

*The Road-Maker* for May contains an article on *Federal Aid Work in Wisconsin*, by H. J. Kuelling, and one on *The French Highways*, by E. A. Kingsley. In the June issue is an article by Secretary David F. Houston on *Why Take Highway Supervision from Department of Agriculture?*

*The Diplomacy of Suspicion and the League of Nations*, by William Ernest Hocking, *The Higher Victory*, by Charles Mills Gayley, *A Year in France with the Chemical Warfare Service*, by J. H. Hildebrand, *Personal Recollections of Theodore Roosevelt*, by Victor H. Metcalfe, and a commencement address by Benjamin Ide Wheeler are among the contributions found in the April number of *The University of California Chronicle*.

*The Meaning and Function of Simple Modes in the Philosophy of John Locke*, a monograph by Rupert Clendon Lodge, has appeared as number twelve in the *Studies in the Social Sciences* published by The University of Minnesota. In the succeeding number Florence Rising Curtis presents an account of *The Libraries of the American State and National Institutions for Defectives, Dependents, and Delinquents*.

*The Era of the Civil War, 1848-1870*, by Arthur Charles Cole, has recently been published by the Illinois Centennial Commission as volume three of *The Centennial History of Illinois*. Among the subjects treated by the writer are the following: the coming of the railroads, the Kansas-Nebraska Act, the origin of the Republican party, the Lincoln-Douglas debates, the elections of 1860 and 1864, the war, the industrial revolution, agriculture in war time, the schools and churches, reconstruction, and social conditions. There are numerous footnotes and a serviceable index.

A monograph entitled *Economic Addresses*, by William Watts Folwell, has been published as number nine in the *Current Problems*, a series issued by The University of Minnesota. The following number is a study of *The Relation Between Dependency and Retardation: A Study of 1,351 Public School Children Known to the Minneapolis Associated Charities*, by Margaret Kent Beard. Number eleven is *A Review of the Ornithology of Minnesota*, by Thomas Sadler Roberts.

Volume seven of the *University of California Publications in History* is an account of *The North West Company*, by Gordon Charles Davidson. This is a book of some three hundred and fifty pages, and in addition to the eight chapters of text, there is a list of authorities, an extensive appendix, and an index. A number of maps are also included. The book is of interest to all students of western history because of the information it contains on the explorations, Indian trade, prices, and commercial activities in the Northwest. The eighth volume in this series is a *Catalogue of Materials in the Archivo General de Indias for the History of the Pacific Coast and the American Southwest*, compiled by Charles E. Chapman.

#### IOWANA

A second installment of D. S. Fairchild's *Practice of Medicine in Iowa from 1840 to 1850* is included in the April number of *The Journal of the Iowa State Medical Society*. This history is continued in the issue for June under the title of *Medical Education in Iowa*.

The April-May number of *The American Freemason* contains an article entitled *More of War Welfare Work, Masonic and Other*, by the editor.

In *The Grinnell Review* for April, James Norman Hall contributes an account of *Personal Experiences in Germany*.

*The Iowa Engineer* for April contains an article on *Semi-Steel Shell Manufacture in Iowa*, by C. A. Mann, which is of interest to students of State war history.

*Newspapers and the Thirty-Eighth G. A.* is the title of a short article in *The Corn Belt Publisher* for April.

The United States Department of Agriculture has issued a *Soil Survey of Montgomery County, Iowa*, by A. M. O'Neal, Jr., and L. L. Rhodes.

The Iowa Daughters of the American Revolution have recently published the report of their twentieth annual conference.

Bulletin number six of the Iowa Geological Survey is a report on *The Raptorial Birds of Iowa*, by Bert Heald Bailey.

The Presbyterian Church at Vinton, Iowa, has published a brochure entitled *Fifty Years a Ruling Elder* to commemorate the service of George Horridge as an official of the church.

A continuation of the *Official Statements of President Joseph Smith*, by Heman C. Smith, appears in the *Journal of History* for April. There is also a chapter of *The Biography of John Smith, First President of Lamoni Stake*, by Vida E. Smith, and the first installment of an article on *Early Days on Grand River and the Mormon War*, by Rollin J. Britton.

*The Blessings of Civilization*, by Vilhjálmur Stefánsson, *A-Field in Louisiana*, by Alfred M. Bailey, and *Literary Prospects in the Middle West*, by John Towner Frederick, are among the articles in the April issue of *The Iowa Alumnus*. In the number for May Harry Eugene Kelly writes of *Denationalizing Education*, Esther Allen Gaw describes *Music Tests*, and Wilber J. Teeters contributes a paper on *Drug Gardens*. An oration, *The Message of Flanders Field*, by Robert R. Aurner, *The University in Summer*, by Charles Heald Weller, and *Teaching Patriotism in Iowa*, by Jessie P. Hastings, are among the contributions in the June number.

*Municipal Dam at Fort Dodge, Iowa*, by R. E. McDonnell, and *Taxation of Liberty Bonds and Bank Stock*, by H. M. Havner, are two of the papers in *American Municipalities* for April. The May issue contains a decision on *Utility Companies and Contracts*, by Martin J. Wade, and a report of the city officials of Mason City under the title *Four Years of Municipal Administration*. A summary of *New Municipal Laws* is to be found in this periodical for June.

*The Library Budget*, by Mrs. Irving C. Johnson, and *An Iowa Librarian in a Southern Camp*, by Grace Delphine Rose, are among the papers which appear in the *Iowa Library Quarterly* for January-March. In the following number there is another library war service article on *Library Service in a Reconstruction Hospital*, by

Grace Shellenberger. There is also a list of Iowa librarians in camp and hospital work.

*Iowa in the Forefront of Progress*, by Joe L. Long, *Motion Pictures in the Schools of Iowa*, by Irene H. Farrell, and *Problems of Iowa's General Assembly*, by G. L. Caswell, are among the numerous articles in *The Iowa Magazine* for February. In the issue for April there is another article by G. L. Caswell on *What the Iowa Legislature is Doing*. *Putting Iowa on the Park Map*, by Florence L. Clark, is another of the articles in this number. *Iowa Makes the Nation's Buttons*, by Edward G. Fairfield, *From Iowa to the Arctic*, by Mildred E. Whitcomb, *Camp Fire Tales of Iowa Valor*, and *Iowa's First Memorial to Soldier Dead* are some of the contributions in the issue for June.

*Farm Labor Problem in the West*, by John A. Cavanagh, *Iowa's W. S. S. Record for Year 1918*, by Frank Warner, *A Definite Plan for Reconstruction*, by John V. Schaefer, and *Bankers and the Victory Loan*, by Edwin Baird, are short articles to be found in the April issue of *The Northwestern Banker*. In the May number S. L. Frazier contributes an article on *Nation League and Shadow Jumpers*; Frank G. Odell writes of the *Social Relations of the New Day*; and Frank Warner discusses *Bank Held Liberty Bonds Not Taxed*. *Farm Loan Bonds Should be Taxed*, by E. D. Chassell, *Mortgage Bankers vs. The Farmers*, by M. L. Corey, *Pig Clubs a Remedy for Bolshevism*, by E. N. Hopkins, and *How Merchant Marine Aids Farmers*, by Edward N. Hurley, are among the articles in the June issue.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Boyce, Myrna,

*The Diplomatic Relations of England with the Quadruple Alliance 1815-1830*. Iowa City: The State University of Iowa. 1918.

Brumfiel, Daniel Milton,

*The Animal Ecology of Johnson County*. Iowa City: The State University of Iowa. 1918.

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Butler, Ellis Parker,

*Keeping Up Grandma's Morale* (The Red Cross Magazine, May, 1919).

*Romance* (The Saturday Evening Post, May 10, 1919).

Carver, Thomas Nixon,

*Four Labor Programs* (The Quarterly Journal of Economics, February, 1919).

*Possibilities of Price Fixing in Time of Peace* (American Economic Review, supplement of March, 1919).

*Principles of Political Economy*. Chicago: Ginn & Co. 1919.

Devine, Edward Thomas,

*Nation Wide Drive for Social Reconstruction* (The Survey, March 1, 1919).

*Future of Home Service* (The Survey, March 15, 1919).

*What's in a Name?* (The Survey, March 22, 1919).

Dunlap, John H.,

*Common Sense, Science and Drinking Fountains* (The American City, May, 1919).

Egan, Maurice Francis,

*Ten Years Near the German Frontier*. New York: George H. Doran Co. 1919.

Ferber, Edna,

*Next Stop, Hoboken* (Ladies' Home Journal, May, 1919).

Franklin, William Suddards,

*Mechanics and Electricity* (Scientific American Supplement, April 19, 1919).

Haines, Austin P.,

*Borrowing with a Club* (The New Republic, March 29, 1919).

Hall, James Norman,

*Personal Experiences in Germany* (The Grinnell Review, April, 1919).

Hastings, Jessie P.,

*Iowa Patriotic League Bibliography*, Addendum No. 1. Iowa City: The State University of Iowa. 1919.

Heisey, Paul Harold,

*Newer Ideal for Rural Sunday School*. Published by the author. 1919.



- Hough, Emerson,  
*The Web*. Chicago: Reilly & Lee Co. 1919.
- Hughes, Rupert,  
*The Cup of Fury*. New York: Harper Bros. 1919.  
*In a Little Town*. New York: A. L. Burt Co. 1919.  
*Viewing with Alarm* (Bookman, May, 1919).
- McCowan, Henry Smith,  
*Flames of Glory*. Grinnell: Character Building Co. 1919.
- Piper, Edwin Ford,  
*Gee-up Dar, Mules* (The Literary Digest, April 12, 1919).  
*I'll Go a Piece with You* (Stratford Journal, April, 1919).
- Plum, Harry Grant,  
*United States and the World War* (The Historical Outlook, April, 1919).
- Quick, Herbert,  
*The War, the Farm and the Farmer*. Washington: Government Printing Office. 1918.
- Rhodes, L. L., (Joint author)  
*Soil Survey of Montgomery County, Iowa*. Washington: Government Printing Office. 1919.
- Richardson, Anna Steese,  
*Our "Soldiers All" Christmas* (Woman's Home Companion, March, 1919).  
*When Johnny Comes Marching Home Again* (Woman's Home Companion, March, 1919).
- Ross, Edward Alsworth,  
*Association* (American Journal of Sociology, March, 1919).  
*Legal Dismissal Wage* (American Economic Review, March, 1919, and The Independent, March 15, 1919).
- Russell, Charles Edward,  
*After the Whirlwind; a Book of Reconstruction and Profitable Thanksgiving*. New York: George H. Doran Co. 1919.
- Schlick, W. J.,  
*The Theory of Underdrainage*. Ames: Iowa State College of Agriculture and Mechanic Arts. 1918.
- Sergel, Roger L.,  
*The Gift of Death* (Poetry, May, 1919).

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Smith, Mrs. L. Worthington,

*The Camel Driver* (Stratford Journal, April, 1919).

Springer, Frank,

*Theodore Roosevelt*. Santa Fe: Archaeological Institute of America. 1919.

Stefánsson, Vilhjálmur,

*"Living off the Country" as a Method of Arctic Exploration*  
(The Geographical Review, May, 1919).

*Solving the Problem of the Arctic* (Harper's Magazine, May, 1919).

Steiner, Edward Alfred,

*Americanizing New York* (The Review of Reviews, May, 1919).

Stoner, Dayton,

*Marine Gardens of Barbados* (Overland, March, 1919).

Swem, Earl Gregg,

*An Analysis of Ruffin's Farmers' Register: with a Bibliography of Edmund Ruffin*. Richmond: Virginia State Library. 1919.

Taylor, Alonzo Englebert, (Joint author)

*German Food and Trade Conditions*. New York: American Relief Administration. 1919.

Wade, Martin J.,

*What Socialism Breeds*. Davenport: Scott County Council of National Defense. 1918.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

An Iowa pioneer's trip across the Atlantic, in the *Davenport Democrat*, April 2, 1919.

Early history of Garner, by Merle Kluckhohn, in the *Garner Signal*, April 2, 1919.

Death of Charles Norton Hunt, in the *Des Moines Register*, April 2, 1919.

Recollections of early Iowa, by E. H. Talbot, in the *Sioux City Journal*, April 3 and 5, 1919.

The public square of Marshalltown, in the *Marshalltown Times-Republican*, April 3, 1919.

- How they came to "Ioway", in the *Marshalltown Times-Republican*, April 3, 1919.
- Historical Sketches of Davis County, in the *Bloomfield Republican*, April 3, 10, 17, and 24, 1919.
- Mary O'Rourke, the oldest woman in Iowa, in the *Forest City Summit*, April 3, 1919, and the *Waukon Standard*, April 9, 1919.
- Sketch of the life of Miss S. E. Homans, in the *Independence Bulletin Journal*, April 3, 1919.
- Early days in Delaware County, in the *Manchester Press*, April 3, 10, 17, and 24, 1919.
- A Civil War letter, in the *Hamburg Reporter*, April 4, 1919.
- History of the Blairsburg school, by Catherine Gleason, in the *Webster City Journal*, April 5, 1919.
- Recollections of a pioneer, Julia Knapp Webster, in the *Sioux City Tribune*, April 5, 1919.
- When the reign of the redskins ended in Des Moines, by Bertha Elliott, in the *Des Moines Register*, April 6, 1919.
- Fiftieth anniversary of Congregational Church at Atlantic, in the *Des Moines Capital*, April 6, 1919, and the *Des Moines Register*, April 7, 1919.
- The carriage used by John Brown, in the *Cedar Rapids Republican*, April 6, 1919, and the *Des Moines Register*, April 7, 1919.
- Former officials of Iowa and where they live, in the *Des Moines Tribune*, April 9, 1919.
- Sketch of the life of Marion Floyd Stookey, in the *Leon Reporter*, April 10, 1919.
- Buena Vista County war history, in the *Alta Advertiser*, April 10, 1919.
- The disappearance of Columbus, in the *Keosauqua Republican*, April 10, 1919.
- Mormons file articles of incorporation, in the *Spencer News*, April 10, 1919.
- Reminiscences by D. A. V. Brumbaugh, in the *Guthrie Center Guthrian*, April 10, 1919.
- Sketch of the life of Benjamin F. Reed, historian of Kossuth Coun-

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- ty, in the *Algona Republican*, April 10, 1919, and the *Des Moines Register* and the *Mason City Gazette*, April 11, 1919.
- First trial of a Tama Indian, in the *Traer Star-Clipper*, April 11, 1919.
- Reminder of the Northern Border Brigade, in the *Des Moines Register*, April 13, 1919.
- Town of Elk Horn named by a woman, in the *Des Moines Register*, April 13, 1919.
- The Winnebago Indians in northwestern Iowa, in the *Des Moines Register*, April 13, 1919.
- Sketch of the lives of Mr. and Mrs. L. Kellogg, in the *Sioux City Journal*, April 14, 1919, and the *Denison Review*, April 16, 1919.
- War record of Davenport school, in the *Davenport Times*, April 15, 1919.
- Iowa's Indian soldiers, in the *Oskaloosa Herald*, April 19, 1919.
- Old Marion County, by Jasper Olney, in the *Knoxville Express*, April 16, 23, and 30 and May 14 and 21, 1919.
- The last of the "Diamond Jo" Packet Line, in the *Davenport Times*, April 16, 1919.
- Four Shiloh veterans, in the *Burlington Gazette* and the *Mason City Gazette*, April 16, 1919.
- Sketch of the life of S. M. Richardson, in the *Clear Lake Mirror*, April 16, 1919.
- Sketch of the life of Fred Johnson, in the *Madrid News*, April 17, 1919.
- The oldest schoolhouse in Des Moines, in the *Des Moines Plain Talk*, April 17, 1919.
- Historical guns to Iowa museum, in the *Waterloo Courier*, April 17, 1919.
- Historical pageant in Council Bluffs, in the *Council Bluffs Nonpareil*, April 17, 1919.
- Sketch of the life of M. W. Murphy, in the *Sioux City Journal*, April 21, 1919.
- Lost Island Lake, by Mrs. F. L. Alexander, in the *Fort Dodge Messenger*, April 21, 1919.

- Sketch of the life of T. B. McDonald, in the *Albia Union*, April 22, 1919.
- Andrew Millard, an early homesteader, in the *Le Mars Sentinel*, April 23, 1919.
- Park donated in honor of Charles Aldrich, in the *Pocahontas Democrat*, April 24, 1919.
- For the preservation of Black Hawk's Rock, in the *Burlington Hawk-Eye*, April 25, 1919.
- Some prominent men of twenty years ago, in the *Des Moines Register*, April 27, 1919.
- Iowa's oldest prison guard, in the *Des Moines Register*, April 27, 1919.
- Elk hunting in Iowa, in the *Des Moines Register*, April 27, 1919.
- One hundred years of Odd Fellowship, in the *Burlington Hawk-Eye*, April 27, 1919.
- Historic block in Davenport, in the *Davenport Democrat*, April 27, 1919.
- Sketch of the lives of Mr. and Mrs. C. A. Wise, in the *Cedar Falls Record*, April 28 and 29, 1919.
- War record of Company A, 168th United States Infantry, in the *Winterset Madisonian*, April 30, 1919.
- Sketch of the life of Mrs. Ellen T. Whitman, in the *Des Moines Capital*, April 30, 1919.
- Sketch of the life of Mrs. Ruth Anna Taylor, in the *What Cheer Patriot*, May 1, 1919.
- Historical records of the Methodist Church in Jones County, in the *Monticello Express*, May 1, 1919.
- Sketch of the life of Heman C. Smith, in the *Leon Journal*, May 1, 1919.
- Old time news from Clarion, in the *Bloomfield Republican*, May 1, 1919.
- Sketch of the career of General George W. Read, in the *Des Moines Plain Talk*, May 1, 1919.
- The first colonel of the "Fighting Third", in the *Des Moines Capital*, May 4, 1919.
- History of the Third Iowa, in the *Des Moines Register*, May 4, 1919.

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- Des Moines in 1836, in the *Des Moines Register*, May 4, 1919.
- Early Days in Tabor, in the *Malvern Leader*, May 5, 1919.
- Early political history in Madison County, by W. H. Lewis, in the *Winterset Madisonian*, May 7, 1919.
- The "Iowa" out of commission, in the *Cedar Rapids Republican*, May 7, 1919, and the *Davenport Democrat*, May 8, 1919.
- Tama City reminiscences, by Cyrus B. Ingham, in the *Tama Herald*, May 8, 1919.
- A war time election ballot, in the *Tama Herald*, May 8, 1919.
- Tama County courts, in the *Tama Herald*, May 8, 1919.
- The Northern Iowa Border Brigade, in the *Stratford Courier*, May 8, 1919.
- What was happening in Algona in '97, in the *Algona Advance*, May 8, 1919.
- Memories of Pella, in the *Pella Chronicle*, May 8, 1919.
- Sketch of the life of Gilbert S. Gilbertson, in the *Forest City Republican*, May 8, 1919.
- Regiments which received an Iowa flag, in the *Iowa City Citizen*, May 9, 1919.
- Sketch of the life of Judge C. W. Mullan, in the *Des Moines Capital*, May 9, 1919, and the *Sioux City Tribune*, May 9 and 10, 1919.
- Sioux City's oldest house moved away, in the *Sioux City Tribune*, May 10, 1919.
- An old Perry company in the Third Iowa, in the *Perry Chief*, May 10, 1919.
- The last spike of the Union Pacific Railroad recalled, in the *Council Bluffs Nonpareil*, May 10, 1919.
- Settlement of L. A. Andrews at Jordan's Grove, in the *Cedar Rapids Republican*, May 10, 1919.
- Sketch of the life of Joseph Wilson, in the *Cedar Rapids Republican*, May 11, 1919.
- Keeping Iowa's war record, in the *Des Moines Register*, May 11, 1919.
- The Howard lynching, by Ben Markson, in the *Des Moines Register*, May 11, 1919.

- Historic Iowa towns, in the *Des Moines Register*, May 11, 1919.
- Sketch of the life of Henry May, in the *Des Moines Register*, May 11, 1919, and the *Nevada Journal*, May 19, 1919.
- The oldest woman in Iowa — Mrs. Isaac Spoors, in the *Des Moines Register* and the *Waterloo Courier*, May 11, 1919.
- Sketch of the life of Judge C. W. Mullan, in the *Waterloo Courier*, May 12, 1919.
- Some pioneers of Harrison County, in the *Sioux City Tribune*, May 12, 1919.
- Early school building of Davenport, in the *Davenport Democrat*, May 13, 1919.
- Proposed history of Union County, in the *Creston Advertiser-Gazette*, May 13, 1919.
- Peter Denger on fire department thirty years, in the *Davenport Democrat*, May 13, 1919.
- Peter D. Kennedy helped build the city of Keokuk, in the *Keokuk Gate-City*, May 13, 1919.
- Reminiscences of old times, by Eugene Wiley, in the *Denison Review*, May 14, 1919.
- Early days in Marengo, in the *Marengo Republican*, May 14, 1919.
- The Clark family, in the *Des Moines Tribune*, May 15, 1919.
- Pioneer days, in the *Dexter Sentinel*, May 15, 1919.
- Sketch of the life of Charles H. Willner, in the *Burlington Hawk-Eye*, May 15, 1919.
- Sketch of the life of Eugene Secor, in the *Forest City Republican*, May 15, 1919, the *Des Moines Capital*, May 16, 1919, and the *Des Moines Register*, May 18, 1919.
- The first settler of Linn County, in the *Cedar Rapids Republican*, May 18, 1919.
- The Boone trail, in the *Des Moines Register*, May 18, 1919.
- An early settler of Keokuk — Mrs. William F. Wright, in the *Keokuk Gate-City*, May 19, 1919.
- Reminiscences of early days in Montgomery County, by Roy Burris, in the *Red Oak Express*, May 19, 1919.
- Sketch of the life of John N. Miller, in the *Shenandoah Post*, May 20, 1919.

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Sketch of the life of H. F. Andrews, in the *Esira Journal*, May 22, 1919.

Iowa troops in the Civil War, in the *Sigourney News*, May 22, 1919.

Selection of the site of Clinton, in the *Clinton Herald*, May 23, 1919.

Sketch of the life of P. M. Musser, in the *Muscatine Journal*, May 23, 1919.

Death of Allen Sharp recalls Spirit Lake Massacre, in the *Cherokee Times*, May 27, 1919, the *Estherville Republican*, and the *Winterset News*, May 28, 1919, the *Bloomfield Republican*, the *Des Moines Plain Talk*, the *Toledo Democrat*, the *Garner Democrat*, the *Decorah Republican*, the *Humboldt Independent*, the *Allison Tribune*, and the *Montezuma Palladium*, May 29, 1919, the *Adair News*, May 30, 1919, and the *Corning Free Press*, May 31, 1919.

A Civil War mother's poem, in the *Boone News-Republican*, May 29, 1919.

Civil War survivors at Dows, in the *Dows Advocate*, May 29, 1919.

Sketch of the life of John R. Sage, in the *Des Moines Register* and the *Des Moines Plain Talk*, May 29, 1919, and the *Cedar Rapids Republican*, May 30, 1919.

John Brown at Tabor, in the *Coin Gazette*, May 30, 1919.

Sketch of the life of Cranmore W. Gage, in the *Burlington Gazette*, May 30, 1919.

The cyclone of 1896, in the *Bondurant Journal*, May 30, 1919.

First train to Sioux City, in the *Sioux City Tribune*, May 31, 1919.

Fortieth anniversary of the Ladies Literary Club of Cedar Rapids, in the *Cedar Rapids Gazette*, May 31, 1919.

Mrs. Kirkwood, the widow of Iowa's Civil War Governor, in the *Iowa City Citizen*, May 31, 1919.

Iowa's sacrifices in three wars, in the *Clinton Herald*, May 31, 1919, the *Dubuque Herald*, June 1, 1919, the *Muscatine Journal*, the *Webster City Journal*, and the *Burlington Gazette*, June 2, 1919.

Three Civil War flags, in the *Des Moines Capital*, June 1, 1919.

The old Bryant school of Des Moines, in the *Des Moines Capital*, June 1, 1919.



- What the Yanks contributed to the victory, by Harry C. Evans, in the *Des Moines Capital*, June 1, 1919.
- Across the plains, by W. G. Davis, in the *Centerville Iowegian*, June 3, 1919 and following.
- An old time stage driver at Corning, in the *Corning Union-Republican*, June 4, 1919.
- Sketch of the life of David Brant, in the *Iowa City Press*, June 4, 1919.
- Some Iowa Civil War history, by H. B. Morgan, in the *Colfax Tribune*, June 5, 1919.
- Two pioneer school documents, by C. L. Lucas, in the *Madrid News*, June 5, 1919.
- A story of pioneer days, by John Dunn, in the *Tama Herald*, June 5, 1919.
- A Civil War hero — L. L. Cadwell, in the *Cedar Rapids Gazette*, June 5, 1919.
- Following the flag with the 88th, in the *Des Moines Register*, June 8, 1919.
- Joseph North, pioneer of Burlington, in the *Burlington Hawk-Eye*, June 8, 1919.
- A brief history of the *Burlington Hawk-Eye*, in the *Burlington Hawk-Eye*, June 8, 1919.
- The Third Iowa in battle, by Winfred E. Robb, in the *Des Moines Capital*, June 8, 15, and 22, 1919.
- Some Boone County history, by C. L. Lucas, in the *Boone News-Republican*, June 10 and 12, 1919.
- The first settler of Linn County, by Mary Durham, in the *Cedar Rapids Republican*, June 11 and 15, 1919.
- Historical sketch of Golden Prairie church, by Mrs. Frank L. Clark, in the *Manchester Democrat*, June 11, 1919.
- The Oskaloosa Woman's Club, in the *Oskaloosa Times*, June 13, 1919.
- Eighty years of the Burlington Hawk-Eye, in the *Sioux City Journal*, June 13, 1919, and the *Des Moines Tribune*, June 14, 1919.
- Sketch of the life of Mrs. Adeline F. Saylor, in the *Des Moines Capital*, and the *Des Moines Register*, June 14, 1919.

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Collection of guns at Afton, in the *Des Moines Capital*, June 15, 1919.

Veterans of the Mexican War, in the *Des Moines Register*, June 15, 1919.

John Stalnaker a teacher for forty-six years, in the *Des Moines Register*, June 15, 1919.

S. L. Cox — a friend of the Indians, in the *Des Moines Register*, June 15, 1919.

Sketch of the life of J. H. Bolton, in the *Sioux City Tribune*, June 18, 1919.

Early reminiscences, by C. L. Lucas, in the *Madrid News*, June 19, 1919.

The First National Bank of Guthrie Center, by Jno. W. Foster, in the *Guthrie Center Times*, June 19, 1919.

Sketch of the life of J. A. Le Claire, in the *Davenport Democrat*, June 22, 1919.

Fred Christianer — oldest Odd Fellow, in the *Des Moines Tribune*, June 25, 1919.

The Hawk-Eye an octogenarian newspaper, in the *Mt. Ayr Record-News*, June 25, 1919.

Sketch of the lives of Mr. and Mrs. William Fuller, in the *Monticello Express*, June 25, 1919.

An early Iowa farm boy, in the *Leon Reporter*, June 26, 1919.

Early history of Des Moines, in the *Des Moines Capital*, June 29, 1919.

Romance of early Keokuk, by E. M. Ingersoll, in the *Keokuk Gate-City*, June 30, 1919.

## HISTORICAL SOCIETIES

### PUBLICATIONS

The *Biennial Report of the Board of Trustees of the Illinois State Historical Library* for the years 1916-1918 has recently been published.

The three articles which appear in *The Catholic Historical Review* for April are: *Ecclesiastical Jurisdiction in the Spanish Colonies*, by Edwin A. Ryan; *Father Escobar's Relation of the Oñate Expedition to California*, by Herbert Eugene Bolton; and *Bishop McQuade of Rochester*, by Frederick J. Zwierlein.

Under the title of *Miscellanies* the Wyoming Historical Society has published a collection of letters and papers relating to Wyoming history, among which are *Some of the Early Newspapers of Wyoming*, by W. E. Chaplin, and *The Texas Trail*, by John B. Kendrick.

The annual report of the Chicago Historical Society for 1918 has recently been published.

*The Prussian Peasantry before 1807*, by Guy S. Ford, *The Southern Frontier in Queen Anne's War*, by Verner W. Crane, *Diverging Tendencies in New York Democracy in the Period of the Locofocos*, by William Trimble, and *The Education of Henry Adams*, by Carl Becker, are the chief articles which appear in the April number of *The American Historical Review*.

*Types of Early New England Gravestones*, by George L. Miner, is one of the papers which appear in the *Rhode Island Historical Society Collections* for April.

The April number of the *Historical Collections of the Essex Institute* contains a paper by Sidney Perley on *Beverly in 1700*; Robert S. Rantoul writes of *Three Hundred Years of Beverly*; and there is a further installment of *Some Account of Steam Navigation in New England*, by Francis B. C. Bradlee.

Among the contributions in the *Michigan History Magazine* for April the following may be noted: *Legislation by Governor and Judges*, by William L. Jenks; *The Central Michigan Normal School at Mt. Pleasant*, by Claude S. Larzelere; and two papers on *America and the Great War*, by Edwin J. Draper and Dorotha McBride.

Two of the articles published in the *Western Pennsylvania Historical Magazine* for April are: *The Frontier Policy of Pennsylvania*, by George Arthur Cribbs, and *Early Developments of Transportation on the Monongahela River*, by W. Espy Albig.

*The South Carolina Historical and Genealogical Magazine* for October, 1918, contains a further installment of the *Order Book of John Faucheraud Grimké*.

A third installment of *The Military Hut-Camp of the War of the Revolution on the Dyckman Farm*, by Reginald Pelham Bolton, is published in *The New-York Historical Society Quarterly Bulletin* for April. Among the original documents printed in this number is a petition for a league of nations presented to Congress in 1845.

*Famous Steamboats on Western and Southern Waters*, by Ella H. Ellwanger, is one of the papers contributed to the May number of *The Register of the Kentucky State Historical Society*.

The State Historical Society of Wisconsin has issued the *Proceedings of the Society at Its Sixty-sixth Annual Meeting* as a separate pamphlet.

The April number of *The Virginia Magazine of History and Biography* contains further installments of the *Roll of Honor*, the *Minutes of the Council and General Court — 1622-1629*, and the *Preston Papers*.

*A Report on the Public Archives*, by Theodore C. Blegen, has been issued by The State Historical Society of Wisconsin as *Bulletin of Information*, number ninety-four. The succeeding number is a *Checklist of Wisconsin Public Documents Issued During 1918*.

*Columbus, Ga., and General Henry L. Benning*, by Henry R. Goetchius, and *The Capture of the U. S. Steamer "Water Witch"*

in *Ossabaw Sound, Ga., June 2-3, 1864*, by William Harden, are two of the papers to be found in *The Georgia Historical Quarterly* for March.

The New Haven Colony Historical Society has issued its annual report for the year 1918.

The *Minnesota History Bulletin* for November, 1918, contains an article by Stephen R. Riggs under the title *Dakota Portraits*, which gives descriptive sketches of famous Indians of the Northwest.

Part one of volume eleven of the *Annual Publications of the Historical Society of Southern California* contains, among other papers and addresses, the following: *French Expansion into the Pacific in the Seventeenth, Eighteenth and Nineteenth Centuries*, by Marguerite Eyer; *A Study of Southern California Place Names*, by Ora A. Lovejoy; *Education in California during the Pre-Statehood Period*, by J. Andrew Ewing; *Transportation in California before the Railroads, with Especial Reference to Los Angeles*, by Robert G. Cleland; and *History of the Beet Sugar Industry in California*, by Torsten A. Magnuson.

*Indian Wars and Warriors of the Old Southwest, 1730-1807*, by Albert V. Goodpasture, is concluded in the *Tennessee Historical Magazine* for December, 1918. In addition, there is an article on *Tennessee, the Compromise of 1850, and the Nashville Convention*, by St. George L. Sioussat, and a biographical sketch of *James Christian, Archaeologist*, by William Seever.

*The Real Philip Nolan*, by Grace King, *The Story of Marksville, La.*, by Joe Mitchell Pilcher, *History of the Washington Artillery*, by Allison Owen, and *Review of Banking in New Orleans, 1830-1840*, by S. A. Trufant, are among the papers published in volume ten of the *Publications of the Louisiana Historical Society: Proceedings and Reports*.

*Salmon Portland Chase*, by Arthur Meier Schlesinger, *The Ulrich Group of Mounds*, by Truman B. Mills, *Some Notes on Ohio Historiography*, by Clarence E. Carter, *Address at Marietta, Ohio, 1858*, by Thomas Ewing, and *Ohio's Religious Organizations and*

*the War*, by Martha L. Edwards, are articles which appear in the *Ohio Archaeological and Historical Quarterly* for April.

The *Maryland Historical Magazine* for March contains an account of the dedication of the H. Irvine Keyser Memorial Buildings. Among the other articles is one by Matthew Page Andrews on the *Passage of the Sixth Massachusetts Regiment Through Baltimore, April 19, 1861*. The June number continues *Extracts from the Carroll Papers*. In this number there are also some short sketches of men who died in service during the war, in addition to the usual articles.

*The Snake River in History*, by Miles Cannon, *The Northern Boundary of Oregon*, by T. C. Elliott, and installments of *The Federal Relations of Oregon*, by Lester Burrell Shippee, and *The Correspondence of Reverend Ezra Fisher* are the contributions which appear in *The Quarterly of the Oregon Historical Society* for March.

Four papers which are published in *The Mississippi Valley Historical Review* for March are the following: *Commercial Intercourse with the Confederacy in the Mississippi Valley, 1861-1865*, by E. Merton Coulter; *Early Agitation for a Pacific Railroad*, by Robert S. Cotterill; *South Carolina and the Early Tariffs*, by John L. Conger; and *Religious Forces in the United States, 1815-1830*, by Martha L. Edwards.

*The Missouri Historical Review* for April contains installments of the following papers: *Missourians Abroad—David R. Francis*, by Walter B. Stevens; *Missouri Capitals and Capitols*, by Jonas Viles; *Gottfried Duden's Report, 1824-1827*, translated by William G. Bek; and *Early Days on Grand River and the Mormon War*, by Rollin J. Britton. There is also an article on the *History of the State Flag of Missouri*, by Robert Burett Oliver.

*The Southwestern Historical Quarterly* for April contains an article by J. Fred Rippy on *Mexican Projects of the Confederates*, and a paper on *The Literature of California History*, by Charles E. Chapman. A sixth chapter of the *Minutes of the Ayuntamiento*

of *San Felipe de Austin, 1828-1832*, edited by Eugene C. Barker, is included.

*The Bagley Collection of Pacific Northwest History*, by Charles W. Smith, *The Northern Pacific Railroad and Some of Its History*, by H. W. Fairweather, and the *Railroad Career of Mr. Fairweather*, by William S. Lewis, are among the papers in the April issue of *The Washington Historical Quarterly*. *The Origin of Washington Geographic Names*, by Edmond S. Meany, is continued from the January number.

The April, 1918, number of the *Journal of the Illinois State Historical Society* contains, among others, the following articles: *Illinois in the Democratic Movement of the Century*, by Allen Johnson; *The Illinois Centennial*, by Edward F. Dunne; *An Old Mormon Town, Nauvoo, Illinois*, by Nancy Duffy Clark; *The Old Chicago Trail*, by A. Van Dyke Pierson; and *Kannekuk or Keeamakuk, the Kickapoo Prophet*, by Milo Custer. In the number for July, 1918, the following articles may be noted: *Illinois, The Land of Men*, by Edgar A. Bancroft; *Journalism in Illinois Before the Thirties*, by Carl R. Miller; and *Slavery in Douglas County, Illinois*, by James L. Reat.

*Washington at Valley Forge*, by Hampton L. Carson, is one of the addresses published in the April issue of *The Pennsylvania Magazine of History and Biography*. *Correspondence of Colonel Clement Biddle, "The Juliana Library Company in Lancaster"*, by Charles I. Landis, and the *History of the Philadelphia and Lancaster Turnpike*, by Charles I. Landis, are continued in this number.

The *Journal of the Presbyterian Historical Society* for March contains, among others, the following papers: *The First Protestant Confessions of Faith in America*, by James I. Good; *The Evolution of a Presbyterian Religious Journal*, by W. P. White; and a tenth installment of the *Diary of the Rev. Seth Willeston*, edited by John Q. Adams.

*American Loyalists in South Wales*, by E. Alfred Jones; *A Sketch of Abraham Lincoln's Mother*, by Lucy Porter Higgins;

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and an unsigned article on *Early Transportation* are among the contributions to the April number of *Americana*.

*The Journal of American History* for April-June, 1918, contains a number of articles among which are the following: *Preservative Elements in the Writings of Washington Irving*, by Charles Anson Ingraham; *The American Revolution a War Against German Despotism*, by Hamilton Bell; and *National Flags of the United States*, by George Sherwood Hodgins.

*The Old Chicago Trail and the Old Chicago Road*, by Elmore Barce, *Forerunners of Indiana Art*, by George S. Cottman, *Militia of the United States from 1846 to 1860*, by Paul T. Smith, and *Some Pennsylvania Dutch Genealogies*, by Frank L. Crone, are some of the papers in the March issue of the *Indiana Magazine of History*. *The Populist Party of Indiana*, by Ernest D. Stewart, is concluded in this number. *The Coming of the English to Indiana in 1817 and Their Neighbors*, by John E. Iglehart, and *The American Marines at Verdun, Chateau Thierry, Bouresches and Belleau Woods*, by Harrison Cale, are the two monographs which make up the June issue.

### ACTIVITIES

The Louisiana Historical Society celebrated the one hundred and sixteenth anniversary of the Louisiana Purchase and the one hundred and seventh anniversary of the admission of Louisiana by a program at The Cabildo, New Orleans, April 30, 1919.

The Missouri Historical Society held a special meeting at the Jefferson Memorial, St. Louis, Missouri, on May 22, 1919. Dr. Azel Hull Fish gave an illustrated lecture on the expedition of Lewis and Clark.

The Historical Society of Jefferson County, Iowa, met at Fairfield, June 4, 1919. A summary of the history of the county for the preceding quarter was read by Hiram Heaton, the secretary.

At a meeting held at Allison, Iowa, in May, 1919, the organization of the Butler County Historical Society was completed. E. B. Hodges was chosen president of the society.



The sixteenth annual meeting of the Madison County Historical Society was held at Winterset, Iowa, April 29, 1919. Among the papers read was one by W. H. Lewis on *Items of Political History of Madison County*. J. W. Jarnagin of Des Moines gave the principal address. The following officers were elected: H. A. Mueller, president; J. B. Anderson, vice president; and E. R. Zeller, secretary.

The tenth annual meeting of the Mississippi Valley Historical Association was held at St. Louis, Missouri, May 8, 9, and 10, 1919, upon the joint invitation of the Missouri Historical Society and Washington University. Among the papers read the following may be noted here: *A Frontier Officer's Old Military Order Book*, by Louis Pelzer; *Steamboating on the Upper Mississippi After the Civil War*, by Lester B. Shippee; *Henry Hastings Sibley and the Minnesota Frontier*, by Wilson P. Shortridge; *What Iowa is Doing to Record Recent War History*, by Benjamin F. Shambaugh; and *Western Travel, 1800-1820*, by Harlow Lindley, the president of the Association. The following officers were elected: M. M. Quaife, president; Mrs. Clarence S. Paine, secretary-treasurer; Solon J. Buck, R. B. Way, and Charles W. Ramsdell, members of the executive committee; Frances Morehouse and E. M. Violette, members of the executive committee of the teacher's section; and James F. Willard, Archibald Henderson, and Arthur G. Doughty, members of the board of editors. The Association will meet at Greencastle, Indiana, in 1920.

#### THE STATE HISTORICAL SOCIETY OF IOWA

The March number of the *Iowa and War* series contains a tentative outline for a war history of Iowa which is a revision and enlargement of the outline published in the January number.

A biography of William Peters Hepburn is soon to be issued by the Society as a contribution to the *Iowa Biographical Series*. The volume is the work of Dr. John E. Briggs and contains some four hundred and seventy pages. Colonel Hepburn was for many years a national figure and was an active participant in the debates on the Panama Canal, railroad regulation, pure food, and other prob-

lems which arose in Congress during the period of his public activity.

A painting of Mrs. Samuel J. Kirkwood has recently been presented to The State Historical Society of Iowa by the artist, Mrs. Virginia Couzens. The informal presentation occurred at Iowa City, on July 17, 1919, in the presence of Mrs. Kirkwood. The gift was received by Mr. Euclid Sanders, the president of the Society, whose remarks were appropriate to the occasion. This painting is of unusual interest to Iowans. Mrs. Kirkwood, who was the wife of Iowa's Civil War Governor, has been a resident of Iowa since 1855. She was born in Ohio, on September 1, 1821. Mrs. Couzens, the artist, is a granddaughter of Robert Lucas, the first Territorial Governor of Iowa, and was born in Iowa City. She now makes her home in New York City.

The following persons have recently been elected to membership in the Society: Mr. W. O. Coast, Iowa City, Iowa; Mr. Geo. T. Hedges, Cedar Rapids, Iowa; Mr. Ingalls Swisher, Iowa City, Iowa; Dr. C. S. Chase, Iowa City, Iowa; Mr. F. T. Forrest, Council Bluffs, Iowa; Dr. Oliver J. Fay, Des Moines, Iowa; Mr. F. S. Finley, Mt. Pleasant, Iowa; Mr. J. L. Hanrahan, Ft. Dodge, Iowa; Hon. N. E. Kendall, Albia, Iowa; Mr. J. Lyle Kinmonth, Asbury Park, New Jersey; Mr. T. O. Loveland, Iowa City, Iowa; Mr. Wm. H. Parsons, Rockwell City, Iowa; Mrs. F. M. Pelletier, Sioux City, Iowa; Mr. Geo. B. Perkins, Sac City, Iowa; Hon. William B. Quarton, Algona, Iowa; Mr. R. G. Stewart, Cedar Rapids, Iowa; Mrs. Francis E. Whitley, Webster City, Iowa; Mr. E. N. Bailly, Sac City, Iowa; Mr. F. O. Block, Muscatine, Iowa; Mr. J. B. Butler, Ft. Dodge, Iowa; Mr. Bart J. Cavanagh, Des Moines, Iowa; Mr. B. M. Childs, Champaign, Illinois; Mr. Park L. Cockerill, Jefferson, Iowa; Mr. John Cunningham, Humboldt, Iowa; Mrs. Addie M. Dalton, Jesup, Iowa; Mrs. I. C. Emery, Cedar Rapids, Iowa; Mr. Harold S. Foster, Iowa Falls, Iowa; Mr. Charles Hallberg, Ottumwa, Iowa; Mr. Marcus L. Hansen, Iowa City, Iowa; Mr. Otto C. Herman, Boone, Iowa; Mr. Oscar H. Herring, Fairfield, Iowa; Mr. L. R. Hypes, Clinton, Iowa; Mr. J. N. Langfitt,

Greenfield, Iowa; Mr. Frank W. Loring, Sac City, Iowa; Mr. G. E. MacKinnon, Des Moines, Iowa; Mr. Bruce E. Mahan, Iowa City, Iowa; Mr. L. Matthews, Sr., Manchester, Iowa; Mr. James S. Michael, Sioux City, Iowa; Mr. Roy M. Morton, Churdan, Iowa; Rev. John C. Orth, Des Moines, Iowa; Mrs. Alice Remley Ruthrauff, Xenia, Ohio; Mr. J. N. Sprole, Garner, Iowa; Mr. Cable G. von Maur, Davenport, Iowa; and Hon. Lafayette Young, Sr., Des Moines, Iowa. The following persons have been enrolled as life members of the Society: Mr. Jos. H. Allen, Des Moines, Iowa; Rev. J. F. Kempker, Dubuque, Iowa; Mr. Jacob Ruedy, Homestead, Iowa; President H. H. Seerley, Cedar Falls, Iowa; and Mr. James B. Weaver, Des Moines, Iowa.

## NOTES AND COMMENT

Helen Rauch has been employed by the Muscatine (Iowa) Red Cross chapter to write a history of the local chapter for incorporation in the general history of the American Red Cross.

The National Catholic War Council has begun the publication of a monthly bulletin of which Michael Williams is the editor.

A celebration of the hundredth anniversary of the Independent Order of Odd Fellows was held at various places in the State of Iowa in April, 1919.

The annual meeting of the Iowa Library Association for 1919 will be held at Waterloo in October.

The State encampment of the Grand Army of the Republic, the Women's Relief Corps, and the Sons of Veterans was held at Cedar Rapids the first week in June, 1919. A. G. Beatty of Independence was elected commander of the G. A. R. department of Iowa.

The Iowa Bankers Association held its annual meeting at Des Moines, June 24 and 25, 1919. Among the speakers were three Governors: William L. Harding of Iowa, Frank O. Lowden of Illinois, and J. A. A. Burnquist of Minnesota.

The forty-sixth annual reunion of the Marshall County Old Settler's Association was held at Marshalltown, June 19, 1919. Senator W. H. Arney and W. G. Crowder were among the speakers.

The second biennial meeting of the Association for the Study of Negro Life and History was held at Washington, D. C. June 17, and 18, 1919. The Association is planning to write a scientific *History of the Negro in the World War*.

The annual reunion of the old settlers of Cedar County was held at Tipton, June 10, 1919. F. H. Milligan was elected president for the ensuing year, B. F. Bossert and Bert Buchanan vice presidents, F. L. Sheldon secretary, and J. W. Reeder treasurer.

The Thirty-eighth General Assembly of Iowa provided for the compilation and publication of a roster of Iowa soldiers and sailors in the World War. The work is under the direction of Governor William L. Harding, Adjutant General Louis G. Lasher, and Lieutenant Colonel Frank Lyman. An appropriation of \$20,000 was made to cover the cost of the compilation, which it is estimated will fill about ten volumes.

The Iowa State Bar Association met at Davenport, June 26 and 27, 1919. Emmet Tinley was elected president for the ensuing year.

The thirteenth biennial meeting of the Iowa Federation of Women's Clubs was held at Ames, June 11-14, 1919.

A collection of original manuscripts has recently been received by the public library at Davenport.

The annual reunion of the Thirty-second Iowa Volunteer Infantry was held at Eldora on June 24 and 25, 1919. About forty-nine members of this regiment are still living.

C. Stewart Narvis is writing a history of Battery C. of the Iowa National Guard.

A unique phase of writing war history has been adopted in Des Moines. The various schools of the city will write accounts of the activities of the schools during the war and these individual histories will then be collected by J. W. Studebaker into a history of the school activities of the city.

Superintendent Henry W. Rotherth of the State school for the deaf at Council Bluffs has resigned after thirty-two years of service. Sketches of his life and work are to be found in *The Deaf Hawkeye* for May 20 and June 10, 1919.

Records of the soldiers and sailors of a number of the counties of the State are being compiled by various agencies. Earl Cook is preparing a roster and photographic record of the men in service and civilian war workers of Pocahontas County. A similar list is being compiled for Johnson County by Dick Dreyer, and for

Washington County by J. T. Matthews. Charlotte Crosley is preparing a "newspaper war history" of Hamilton County for the Kendall Young Library. In Scott County the County Council of Defense has made arrangements for the publication of a county war history or roster; while in Union County the work is in charge of the Union County Honor Roll Association of which H. F. Stream is secretary. A service record of Sac County soldiers in the World War is likewise being prepared. At Fort Madison, the local Red Cross chapter has been asked to act as a commission to collect data concerning the soldiers, sailors, and marines of the vicinity. It is probable that the same work has either already been undertaken in other counties or will be begun in the near future.

John Mahin, a well known Iowa editor, and a member of The State Historical Society of Iowa, died at his home in Chicago, Illinois, on July 24, 1919. He was born at Noblesville, Indiana, on December 8, 1833, and came to Iowa in 1843. Four years later he entered the office of the *Bloomington Herald* as an apprentice and in 1852 he became the editor of the *Muscatine Journal*, the successor of the *Herald*. For a short time during 1853 Samuel Clemens was employed on the paper, and his brother was one of the partners. Mr. Mahin retained his position as editor until 1903, and acquired a reputation for fearlessness and ability in newspaper management. Although actively interested in politics, Mr. Mahin seldom held office. Throughout his life he was an uncompromising opponent of the liquor traffic; indeed, in May, 1893, he and his family narrowly escaped death when his residence was destroyed by a charge of dynamite placed there by agents of the liquor interests.

Charles W. Mullan, one of the judges on the tenth judicial district, died at Rochester, Minnesota, May 8, 1919. Judge Mullan was born in Wayne County, Illinois, December 31, 1845, and came to Black Hawk County, Iowa, when he was six years of age. At the time of the Civil War he enlisted in the Forty-seventh Iowa Infantry as a private and served until the regiment was mustered out. In 1870 Mr. Mullan was admitted to the bar and soon became prom-

inent in political and judicial circles. He was elected County Attorney of Black Hawk County in 1886 and served six years in this office. In 1897 he was elected to the State Senate but resigned before the expiration of his term in order to become a candidate for the office of Attorney General on the Republican ticket. He was elected in 1900 and served two terms. He was appointed district judge by Governor Clarke in 1913.

## CONTRIBUTORS

**CYRIL B. UPHAM**, Research Associate in The State Historical Society of Iowa. Author of *The Speaker of the House of Representatives in Iowa* and *The President of the Senate in Iowa*. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1918, p. 152.)

**CARDINAL GOODWIN**, Professor of American History in Mills College, California. (See THE IOWA JOURNAL OF HISTORY AND POLITICS, January, 1919, p. 131.)



THE  
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1906-1910

The following table shows the results of the  
 experiments conducted during the year 1875-1876.  
 The first column gives the number of the experiment,  
 the second column the date, the third column the  
 name of the person who conducted the experiment,  
 and the fourth column the results.

Experiment No. 1

Date: 1875-1876

Name:

Results:

The results of the experiment were as follows:

1. The first experiment was conducted on the 1st of January, 1875.

2. The second experiment was conducted on the 1st of February, 1875.

**THE IOWA JOURNAL OF HISTORY AND POLITICS**  
**OCTOBER NINETEEN HUNDRED NINETEEN**  
**VOLUME SEVENTEEN NUMBER FOUR**

**VOL. XVII—30**



## THE LEGISLATION OF THE THIRTY-EIGHTH GENERAL ASSEMBLY OF IOWA

[The following review of the legislation of the Thirty-eighth General Assembly was compiled under the direction of The State Historical Society of Iowa. An acknowledgment of helpful assistance is due the many members of the House and Senate and other public officials who responded to our requests for statements regarding the purposes of the statutes.—EDITOR.]

The Thirty-eighth General Assembly of Iowa convened at Des Moines in regular session on January 13, 1919, and adjourned ninety-seven days later on April 19th.<sup>1</sup> Both houses were in actual session seventy-eight working days, during which time there were introduced 1118 bills and 16 joint resolutions—of which 545 bills and 11 joint resolutions originated in the Senate, and 573 bills and 5 joint resolutions in the House of Representatives. Of the 1134 measures considered, it appears that 406 acts and 7 joint resolutions passed both houses and were approved by the Governor—no less than 142 receiving the executive signature after the date of adjournment. Moreover, 201 of the measures that gained enactment originated in the Senate, and 212 in the House. Ninety-four Senate bills failed to pass the House, while only 58 House bills failed to pass the Senate. The Senate acted upon 626 measures, and the House upon 589.

<sup>1</sup> The regular session of the Thirty-fifth, Thirty-sixth, and Thirty-seventh General Assemblies also lasted ninety-seven days. Since the compensation of members of the General Assembly was fixed at \$1000 in 1911 the length of the regular session has never exceeded one hundred days, so that the salary amounts to about \$10 a day. The maximum compensation of \$10 a day for extra sessions was established in 1913; but the pay of Senators and House managers in the trial of an impeachment case remains \$6 a day as established in 1886—a bill to increase the compensation to \$15 a day having failed to pass the House in 1919.—*Laws of Iowa*, 1886, p. 113, 1911, p. 1, 1913, p. 4; *House Journal*, 1919, p. 1667.

Thus it will be seen that approximately thirty-six per cent of the bills introduced in either house gained enactment, though the House passed more than forty-six per cent of its own measures and the Senate passed more than fifty-three per cent of the Senate bills. From these figures it would appear that bills introduced in either house of the legislature have about equal chances of enactment; but bills introduced in the smaller branch have a better chance of passing one house. The Senate seems to be able to dispose of business with more expedition than the House.

The record of bills enacted shows that 116 acts, being deemed of immediate importance, were declared to be in effect upon publication in designated newspapers; while the remaining 297 measures became effective on July 4, 1919, unless otherwise indicated.<sup>2</sup>

While the size of the legislative body seems to bear little relation to the total number of measures introduced, the number of bills presented by the individual member is, roughly speaking, inversely proportional to the size of the house. For example, the average number of bills per member introduced in the Senate of the Thirty-eighth General Assembly was approximately seven and one-fifth, while the average number per member introduced in the House was four and four-fifths. Likewise the largest number of bills introduced in the Senate by any one member was 38, while in the House the largest number was 26. There were three members of the Senate and twelve of the House who did not present a single bill. While it was proposed in the Thirty-seventh General Assembly to limit the number of bills any one member might introduce, no measures of that character appear to have come before the Thirty-eighth General Assembly.

Most of the legislation of the Thirty-eighth General As-

<sup>2</sup> *Index and History of Senate and House Bills, 1919, p. 3.*

sembly, unlike that of other recent Assemblies, was passed before the last week of the session. Before April 14th, action up to the stage of enrollment had been taken by both houses on 280 measures. While a total of 133 measures were passed during the last week of the session, only 32 of these acts passed both houses during that time. Moreover, of the 133 measures upon which one or both houses took final action during the last week of the session, 10 were introduced in January, 48 in February, 39 in March, 32 between April 1st and April 14th, and only four during the last week of the session. Although it appears that one or both houses took final action upon approximately one-third of the legislation of the Thirty-eighth General Assembly during the last week of the session, it is obvious that the vast majority of these measures had been under consideration for periods varying from seven to twelve weeks. Sifting committees were appointed in both houses on April 4th.<sup>3</sup>

In general the legislation of the Thirty-eighth General Assembly differs little from the usual output. The number of legalizing acts amounted to only 39 — which is in striking contrast to the 102 enacted by the Thirty-seventh General Assembly. Only 152 enactments consist of entirely new legislation, while 261 are repealing or amendatory acts. The Thirty-eighth General Assembly repealed or amended seventy-three sections of the *Code of 1897*, two hundred and twenty sections of the *Supplement to the Code of Iowa, 1913*, sixty-eight sections of the *Supplemental Supplement to the Code of Iowa, 1915*, sixty-three sections of the *Acts of the Thirty-seventh General Assembly*, and one section each of the acts of the Sixteenth and Thirty-sixth General Assemblies — making a total of four hundred and twenty-six sections. Furthermore, it is an interesting fact that

<sup>3</sup> *Senate Journal*, 1919, p. 1602; *House Journal*, 1919, p. 1647.

the Thirty-eighth General Assembly repealed or amended, entirely or in part, ten of its own enactments.

#### CODIFICATION AND PRINTING OF THE LAWS

The second bill introduced in both the House and the Senate provided for the codification of the laws of the State. Neither of these bills gained enactment, but a substitute measure introduced by the Senate Judiciary Committee No. 2 was finally agreed to by both houses. This act provides for the creation of a Code Commission consisting of the Supreme Court Reporter and two other persons to be appointed by the Governor.<sup>4</sup> Employment of additional assistance by the Commission was authorized; and the commissioners were allowed \$25 a day and traveling expenses. The work of compiling and codifying the laws of the State was to begin on or before April 1, 1919, and be completed by December 1, 1919. By January 1, 1920, the Commission is required to submit a report to the General Assembly calling attention to all repealed laws and to "such portions of the laws as may be found to be conflicting, or redundant or ambiguous or such as otherwise require legislative action to make clear". Comments and recommendations of the Commission were also to be included in their report to the General Assembly. Owing to the "great necessity for the adoption" of a revised code the Governor is requested to call an extra session of the General Assembly in January, 1920, or soon after.

According to the interpretation of the act by the Commissioners they are first to prepare a compilation of the laws of the State, omitting all acts of a local or temporary character, all repealed legislation, and all annotations and court decisions. The report to the General Assembly is

<sup>4</sup> The Code Commission consists of J. H. Trewin, J. C. Mabry, and U. G. Whitney.



interpreted to mean a codification of the law, prepared in the form of bills as substitutes for the sections or chapters codified. A separate report will include such amendments to the compiled laws as the commissioners deem necessary.<sup>5</sup>

The compiled code is to be supplied with a thorough index, the lines of each section are to be numbered, and the sections themselves renumbered.<sup>6</sup> Annotations on all cases construed by the Supreme Court of Iowa and the Federal courts are to be edited by the Supreme Court Reporter and published in a separate volume. The linotype slugs for the code and the book of annotations are to be preserved, and the code editor "shall continue the editing of the code and book of annotations after each General Assembly" so that at any future time the code and annotations may be readily printed in up-to-date form. Twenty-five hundred copies of the code are to be printed. All necessary funds for carrying on the work were appropriated, and the Board of Public Printing and Binding was authorized to make contracts for printing and binding.<sup>7</sup>

Only one other act of the Thirty-eighth General Assembly relates to the publications of the statutes: the number of copies of session laws to be printed is increased from four to six thousand.<sup>8</sup>

#### SUFFRAGE AND ELECTIONS

Advocates of woman suffrage were very active in the Thirty-eighth General Assembly. A joint resolution pro-

<sup>5</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 50; *Senate Journal*, 1919, pp. 1116, 1117.

<sup>6</sup> The day before the legislature adjourned the Senate Sifting Committee introduced a bill to abandon the plan of renumbering the sections of the Code. Although this bill passed both houses, the process of enactment was not concluded before final adjournment.—*Senate Journal*, 1919, pp. 2167, 2317, 2323; *House Journal*, 1919, p. 2225.

<sup>7</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 50, 297.

<sup>8</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 14.

posing an amendment to the State Constitution, extending the right of suffrage to women, was passed with only one dissenting vote in each house.<sup>9</sup> In this connection it may be observed that if the Secretary of State had not failed to publish a similar resolution passed by the Thirty-seventh General Assembly the proposition would now be ready for submission to the voters. A bill to allow women to participate in primary elections passed the House, but was indefinitely postponed in the Senate.<sup>10</sup> Later in the session provision was made allowing women to vote for presidential electors and prescribing the form of ballot to be used, the method of registration, and the place of voting.<sup>11</sup>

In accordance with a proclamation of the Governor the Assembly convened in extra session on July 2nd and ratified the equal suffrage amendment to the Federal Constitution — Iowa being the tenth State to take favorable action.<sup>12</sup>

As in the Thirty-seventh General Assembly, there was a determined effort to modify the system of primary elections, repeal the non-partisan judiciary election law, and change the form of the ballot. The attempt to modify radically the primary election law failed, but the party circle was restored to the ballot and the nomination of judges thus placed upon a party basis. Hereafter judges of the Supreme Court are to be nominated in party State judicial conventions and elected in the same manner as the Governor; district judges are to be nominated in district judicial conventions and elected in the same manner as State senators; and superior court judges are to be nominated and elected in the same manner as other elective city officers.<sup>13</sup>

<sup>9</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 110; *Senate Journal*, 1919, p. 886; *House Journal*, 1919, p. 1264.

<sup>10</sup> *Senate Journal*, 1919, pp. 885, 888; *House Journal*, 1919, p. 754.

<sup>11</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 353.

<sup>12</sup> *The Des Moines Register*, July 3, 1919.

<sup>13</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 63.

For the past thirteen years the only means of voting a straight party ticket in Iowa has been to mark a cross before the name of each candidate on the party ticket.<sup>14</sup> Now the party circle has been restored; and while the voter may still indicate his choice by marking the names of individual candidates, the incentive for independent voting, or at least a glance at the names of the candidates, has been lessened. Moreover, the voter is likely to go wrong should he undertake to scratch the ticket in the case of an office to which more than one candidate may be elected, because the mark in the circle does not apply to any candidates for that office if the voter indicates a choice of one candidate on another ticket.<sup>15</sup>

The same act contains an innovation in the form of the ballot, in that it requires the removal of the names of presidential electors. By making a cross in the single square that will appear before a bracket enclosing the names of party candidates for President and Vice President, the voter will thereby cast a ballot for all the presidential electoral candidates of that party (whoever they may be). Thus, in an effort to make it appear that the voter is voting directly for President and Vice President, the election of presidential electors has been made indirect. This arrangement, moreover, precludes the possibility of a split in the electoral vote from Iowa.<sup>16</sup>

The primary election law was amended to the effect that, in order to be nominated, a candidate whose name is not printed on the ballot must receive at least ten per cent of the votes cast in the State or district for the candidate of his party for Governor at the last general election.<sup>17</sup> A

<sup>14</sup> *Acts of the Thirty-first General Assembly*, Ch. 44. Where voting machines have been used, however, the voter has been compelled to vote a straight party ticket before he could begin to scratch his ballot.

<sup>15</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 86.

<sup>16</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 86.

<sup>17</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 253.

technical change was made in the time allowed a nominee to withdraw before an election.<sup>18</sup> Voting precincts may hereafter be consolidated for registration purposes;<sup>19</sup> and in precincts using only one voting machine the election board shall consist of three judges, two of whom shall also act as clerks.<sup>20</sup>

#### COMPENSATION OF PUBLIC OFFICIALS

A noticeable effect of the high cost of living upon legislation is seen in the readjustment of the compensation of public officers and in the support allowed to the State institutions. In order that the previous and present pay of a particular officer may be compared more readily and the percentage of increase observed, the writers have compiled a table of compensations. Only the more important State officers have been included — as a rule those whose salaries may be \$2000 or more a year. Most of the minor employees of the State will receive increases of pay; but there are a few whose salaries remain the same, and some whose salaries were reduced. In general, stenographers were raised from \$900 to between \$960 and \$1200. Of the principal State officers it may be noted particularly that the salaries of the Secretary of State, State Auditor, and State Treasurer were increased from \$3600 to \$4000; while the compensation of the Governor, Attorney General, Lieutenant Governor, and members of the General Assembly remains unchanged.

The general act relating to the compensation of State officers contains a provision substituting the salaries named therein for all statutory salaries, including those contained in acts passed by the Thirty-eighth General Assembly.<sup>21</sup> In most cases the salaries provided for in the general act

<sup>18</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 100.

<sup>19</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 180.

<sup>20</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 69.

<sup>21</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 272.

are the same as those named in particular acts, but there are some exceptions to this rule. For example, the sole purpose of chapter 183 was to add traveling expenses to the compensation of the secretary and treasurer of the Pharmacy Commission, but the general act does not mention traveling expenses in connection with the salary of that officer. Again, chapter 74 allows members of the State Board of Education three instead of two cents a mile for traveling expenses, while the general act provides for the payment of all "actual expenses"; and chapter 284, an act approved subsequent to the passage of the general compensation act, places the salaries of inspectors appointed by the Dairy and Food Commissioner on a sliding scale which ranges from \$1800 to \$2200 a year according to the length of service, although the general compensation act had fixed the maximum at \$2100 a year. Finally, in chapter 287, another act approved subsequent to the passage of the general compensation law, the Commission of Animal Health is authorized to fix the salary of the State Veterinarian at any sum not exceeding \$3600; whereas the general compensation act had definitely prescribed the sum of \$3000.<sup>22</sup>

The compensation of all the county officers (except the coroner) and most of the deputy county officers was revised upward, though in particular instances there is no increase. This new scale of salaries (except in the case of the county supervisors, the county attorney, and the deputy county superintendent) will not apply, however, after June 30, 1921 — which means that the Thirty-ninth General Assembly will be compelled to legislate on the subject if the increases are to be continued. The avowed purpose of this particular provision was two-fold: in the first place it was thought that if county salaries were uncertain the character of candidates for county offices might

<sup>22</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 183, 74, 284, 287.

be improved and the number reduced; secondly, while the present increases are proper at this time the General Assembly two years hence might find it necessary to grant further increases or advisable to make reductions owing to fluctuations in the cost of living.<sup>23</sup>

The salary of the county superintendent of schools was put upon a population basis like that of most of the other county officers. In the case of second deputy county clerks, auditors, and treasurers, in counties with a population exceeding 50,000, there seems to be a mistake in the statute fixing the maximum and minimum compensation. The least salary that any of these officers may be paid is fifty per cent of the salary of the clerk, auditor, or treasurer, as the case may be — which amounts in all instances to a sum between \$1525 and \$1700, while the law stipulates that the highest amount any of them may be paid is \$1500. This inconsistency applies to Black Hawk, Dubuque, Linn, Pottawattamie, and Scott counties. In Dubuque County the second deputy county clerk and auditor are paid the \$1500, though fifty per cent of the salary of the clerk and auditor amounts to \$1650 in each instance, which according to the law and in practice is paid to the third deputy clerk and auditor. The State Auditor has interpreted the law to mean that the salary of the second deputy in counties with a population exceeding 50,000 should be fifty per cent of that of the principal, the \$1500 maximum being applicable only in cases where fifty per cent is less than that amount — a condition that can not exist.<sup>24</sup>

The legislation of the Thirty-eighth General Assembly relating to the compensation of municipal officers is almost negligible, and what little there is appears to be special in character.

<sup>23</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 293.

<sup>24</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 278.

COMPENSATION OF PUBLIC OFFICIALS			
STATE OFFICERS			
CHAPTER	OFFICERS	FORMER COMPENSATION <sup>25</sup>	PRESENT COMPENSATION
272	Adjutant General	\$3000 annually	\$3000 annually
272	Assistant Adjutant General	\$1500 annually	Not over \$2200 annually
272	Attorney General	\$5000 annually	\$5000 annually
272	Assistant Attorney General	\$3500 annually	Not over \$4000 annually
272	Assistant Attorney General	\$3000 annually	Not over \$3500 annually
272	Assistant Attorney General	\$3000 annually	Not over \$3000 annually
272	Assistant Attorney General	\$2500 annually	Not over \$3000 annually
272	Auditor of State	\$3600 annually	\$4000 annually
272	Deputy Auditor	\$1800 annually	Not over \$2400 annually
272	Chief Clerk of revenue department	\$1800 annually	Not over \$2400 annually
272	Chief Clerk of county ac- counting department	\$2000 annually	Not over \$2400 annually
272	Chief Clerk of municipal accounting department	\$1700 annually	Not over \$2400 annually
272	Assistant County Accountant	\$1800 annually	Not over \$2000 annually
272	Board of Control, members, each	\$3000 annually	\$4000 annually
272	Secretary of Board of Control	\$2500 annually	Not over \$3000 annually
272	Architect for Board of Control	\$3000 annually	Not over \$3000 annually

<sup>25</sup> In most instances the previous salaries indicated in the table were taken from chapter 284 of the *Acts of the Thirty-seventh General Assembly*, and from the *Iowa Expense Report*, 1918.

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CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
272	Accountant for Board of Control	\$1800 annually	Not over \$2100 annually
272	Purchasing Agent for Board of Control	\$1500 annually	Not over \$2000 annually
III	Lecturer on Tuberculosis	\$2400 annually	Not over \$2400 annually
272	Board of Parole, members, each	\$10 per day plus expenses	\$10 per day plus expenses
272	Secretary to Board of Parole	\$2000 annually	Not over \$2700 annually
272	Parole Agent	\$1800 annually	Not over \$2000 annually
272	Parole Agent	\$1500 annually	Not over \$2000 annually
272	Clerk of Supreme Court	\$2700 annually	\$3000 annually
272	Deputy Clerk of Supreme Court	\$1800 annually	Not over \$2000 annually
272	Assistant Custodian	\$1800 annually	Not over \$2200 annually
272	Document Editor	\$2000 annually	\$3000 annually
272	Dairy and Food Commissioner	\$2700 annually	\$3300 annually
272	Deputy Dairy and Food Commissioner	\$1800 annually	Not over \$2600 annually
272	Chemist to Dairy and Food Commissioner	\$2400 annually	Not over \$2700 annually
272	Chief Inspector of Weights and Measures	\$1800 annually	Not over \$2400 annually
272	Assistant Chemist and Bacteriologist	\$2000 annually	Not over \$2100 annually
272	Inspectors	\$1600 to \$1800 annually	\$1800 to \$2100 annually
272	Secretary of Executive Council	\$2400 annually	Not over \$2700 annually



**THE THIRTY-EIGHTH GENERAL ASSEMBLY 483**

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
272	Assistant Secretary of Executive Council	\$2000 annually	Not over \$2400 annually
272	Accountant for Executive Council	\$2000 annually	Not over \$2400 annually
272	Governor	\$5000 annually	\$5000 annually
272	Secretary to Governor	\$1800 annually	Not over \$2400 annually
272	Curator, Historical Department	\$2400 annually	\$3000 annually
272	Two Assistant Curators, Historical Department, each	\$1800 annually	Not over \$2100 annually
272	Insurance Commissioner	\$3000 annually	\$3600 annually
272	Deputy Insurance Commissioner	\$1800 annually	Not over \$2400 annually
272	Actuary to Insurance Commissioner	\$3000 annually	Not over \$5000 annually
272	Security Clerk to In- surance Commissioner	\$1600 annually	Not over \$2100 annually
272	Chief Examiner	\$2000 annually	Not over \$2600 annually
272	Labor Commissioner	\$1800 annually	\$3000 annually
272	Three Mine Inspectors, each	\$1800 annually	Not over \$2700 annually
272	Secretary to Mine Inspectors	\$1500 annually	Not over \$2000 annually
272	Chief Oil Inspector	\$1800 annually	\$2200 annually
272	Pharmacy Commission, members, each	\$1500 annually	\$1500 annually
272	Secretary-Treasurer to Pharmacy Commission	\$1800 annually	Not over \$2100 annually
272	Secretary of State	\$3600 annually	\$4000 annually
272	Deputy to Secretary of State	\$1800 annually	Not over \$2200 annually

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
272	Chief Clerk to Secretary of State	\$1600 annually	Not over \$2000 annually
272	Superintendent Bond and Investment Department	\$2400 annually	Not over \$2400 annually
272	Board of Education, members, each	\$7 per day plus mileage	\$10 per day and expenses
272	Finance Committee, Board of Education, each	\$3500 annually	\$3600 annually
272	Auditor of Board of Education	\$1800 annually	Not over \$2000 annually
272	Superintendent of Public Instruction	\$4000 annually	\$4000 annually
272	Deputy to Superintendent of Public Instruction	\$2500 annually	Not over \$2700 annually
272	School Inspectors, each	\$2000 annually	Not over \$2400 annually
272	Treasurer of State	\$3600 annually	\$4000 annually
272	Deputy Treasurer of State	\$2400 annually	Not over \$2400 annually
272	Supreme Court Judges, each	\$6000 annually	\$6000 annually
272	State Veterinarian	\$1800 annually	\$3000 annually
272	Industrial Commissioner	\$3000 annually	\$3300 annually
272	Deputy Industrial Commissioner	\$2000 annually	Not over \$2400 annually
272	Fish and Game Warden	\$2200 annually	\$2400 annually
272	State Board of Health, members, each	\$900 annually	\$900 annually
272	Secretary to State Board of Health	\$2400 annually	Not over \$3000 annually
272	Sanitary Engineer to State Board of Health	\$2500 annually	Not over \$2500 annually
272	State Fire Marshal	\$2500 annually	\$2500 annually

**THE THIRTY-EIGHTH GENERAL ASSEMBLY 485**

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
272	Deputy Fire Marshal	\$1800 annually	Not over \$2000 annually
272	Railroad Commissioners, each	\$3000 annually	\$3600 annually
272	Secretary to Railroad Commissioners	\$2200 annually	Not over \$2700 annually
272	Chief Rate Clerk	\$2100 annually	Not over \$2400 annually
272	Reporter for Railroad Commissioners	\$1800 annually	Not over \$2000 annually
272	Signal Engineer	\$2100 annually	Not over \$2400 annually
272	Electrical Engineer	\$2500 annually	Not over \$2700 annually
272	Commerce Counsel	\$5000 annually	\$5000 annually
272	Assistant Commerce Counsel	\$1800 annually	Not over \$2400 annually
272	State Librarian	\$2400 annually	\$3000 annually
272	Law Librarian	\$2000 annually	\$3000 annually
272	Supreme Court Reporter	\$3500 annually	\$3500 annually
272	Deputy Supreme Court Reporter	—————	Not over \$2000 annually
335	Bank Examiners	Not over \$2200 annually	Not over \$3000 annually
365	Secretary State Board of Agriculture	Not over \$3500 annually	Not over \$4000 annually
365	Treasurer State Board of Agriculture	Not over \$100 annually	Not over \$250 annually and expenses
365	Elective Members of Board of Agriculture	\$4 per day and 5c per mile	\$10 per day, traveling and hotel expenses
207	Wardens at Penitentiary and Men's Reformatory	Not over \$210 per month	Not over \$250 per month
75	Superintendent Institution for Feeble-minded Children	\$2400 annually	\$3000 annually

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
390	Superintendent Training School for Boys (Eldora)	\$1800 annually	\$2500 annually
390	Superintendent Training School for Girls (Mitchellville)	\$1800 annually	\$2000 annually
390	Superintendent Iowa Soldiers' Orphans' Home	\$1800 annually	\$2400 annually
307	Commandant of Soldiers Home	Not over \$2000 annually	Not over \$2800 annually
182	Hotel Inspector	\$1500 annually	\$2400 annually and expenses
182	Deputy Hotel Inspectors	\$5 per day	\$1800 annually and expenses
361	State Highway Commis- sion, members, each	\$10 per day — not over \$1000 annually	\$10 per day — not over \$2000 annually
128	Superintendent of School for the Deaf	\$1500 annually	Determined by the State Board of Education
COUNTY OFFICERS			
CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
232	County Attorney	\$900 to \$2500 annual- ly according to population <sup>26</sup>	\$1100 to \$3000 annually according to population <sup>27</sup>
293	County Auditor	\$1400 to \$3300 annually according to population	\$1700 to \$3400 annually according to population
293	County Treasurer	annually according \$1400 to \$3300 to population	\$1700 to \$3400 annually according to population
293	County Recorder	\$1200 to \$3000 annually according to population	\$1600 to \$3100 annually according to population <sup>28</sup>

<sup>26</sup> Paid quarterly.<sup>27</sup> Paid monthly.<sup>28</sup> Five hundred dollars additional in counties where a recorder's office is kept in two different places.

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CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
293	County Sheriff	\$1400 to \$2600 annually according to population	\$1700 to \$2800 annually according to population <sup>29</sup>
293	Clerk of District Court	\$1400 to \$3300 annually according to population	\$1700 to \$3400 annually according to population
293	County Superin- tendent of Schools	\$1500 minimum annually	\$1600 to \$2500 annually according to population <sup>30</sup>
104	Members of Board of Supervisors	\$4 per day and 5c per mile	\$5 per day and 10c per mile
278	Deputy Clerks of District Court	Not less than 50% of principal. Not more than \$1200, except in counties over 40,000 population, where 50% of prin- cipal is allowed	Counties under 50,000 from 50% of principal to \$1500. Counties over 50,000: 1st dep- uty, from 50% of prin- cipal to \$1750; 2d deputy, from 50% of principal to \$1500; 3d deputy, 50% of prin- cipal. Counties with city over 60,000: 1st and 2d deputies, 65% of principal; 3d and 4th deputies, 50% of principal
278	Deputy County Auditors	Counties under 40,000 population: from 50% of principal to \$1200 Counties over 40,000 population: 50% of principal	Counties under 50,000 from 50% of principal to \$1500. Counties over 50,000: first deputy, from 50% of principal to \$1750; 2d deputy, from 50% of principal to \$1500; 3d deputy, 50% of principal. Counties with city over 60,000: 1st and 2d deputies, 65% of principal; 3d and 4th deputies, 50% of principal

<sup>29</sup> Three hundred dollars additional in counties where a residence is not furnished by the county.

<sup>30</sup> Existing salaries in excess of amounts provided by this act may be continued.

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
278	Deputy County Treasurers	Counties under 40,000 population: from 50% of principal to \$1200 Counties over 40,000 population: 50% of the principal	Counties under 50,000 population from 50% of principal to \$1500. Counties over 50,000 population: first depu- ty, from 50% of prin- cipal to \$1750; second deputy, from 50% of principal to \$1500; third deputy, 50% of the principal. Counties with city over 60,000 population: first and second deputies, 65% of principal; third and fourth depu- ties, 50% of the principal
278	Deputy County Recorders	Counties under 90,000 population: from 50% of principal to \$1200 Counties over 90,000 population: 50% of the principal	Counties under 50,000 population from 50% of principal to \$1500. Counties over 50,000 population: first depu- ty, from 50% of prin- cipal to \$1750; second deputy, from 50% of principal to \$1500; third deputy, 50% of the principal. Counties with city of 60,000 population: first and second deputies, 65% of principal; third and fourth depu- ties, 50% of principal
278	Deputy County Sheriffs	Determined by Board of Supervisors Counties with district court in two places, 50% of the principal	Chief deputy from 65% of principal to \$1800. Counties with district court in two places, 65% of the principal
311	Deputy County Superintendents	Determined by the convention of representatives from each school district	Determined by the Board of Supervisors at not less than \$750

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
254	Clerk of Grand Jury	Counties with population between 50,000 and 75,000: not more than \$4 a day Counties with population over 75,000: \$1500 annually	Counties with population between 50,000 and 75,000, not more than \$4 a day Counties with population between 75,000 and 120,000, not more than \$1500 Counties with population over 120,000, \$2200 annually
TOWNSHIP OFFICERS			
CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
216	Justice of the Peace	\$600 to \$2000 annually in fees according to population	\$600 to \$2300 annually in fees according to population
216	Constable	\$500 to \$1700 annually in fees according to population	\$500 to \$2000 annually in fees according to population
MUNICIPAL OFFICERS			
CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
103	City and Town Assessors	Not over \$1800 annually	Not over \$1800 annually nor less than \$5 per day in first class cities including commission cities. In commission cities over 100,000, not over \$2500
177	Alderman in Special Charter Cities	"Not in excess of three hundred dollars"	"Not in excess of six hundred dollars"
178	Mayor in Special Charter Cities	"Not exceeding one thousand five hundred dollars per annum"	"Not exceeding two thousand five hundred dollars per annum"

## THE GOVERNOR

No activity of the Thirty-eighth General Assembly attracted more attention during the session than the investigation of the Rathbun pardon case and the proposed impeachment of Governor Harding. The affair ended on April 16th when the House of Representatives by a vote of seventy to thirty-four substituted the minority report of the judiciary committee, which recommended censure, for the majority report which recommended impeachment.<sup>31</sup> Probably the most important piece of legislation that resulted from the investigation was an act requiring the Governor to obtain the advice of the Board of Parole before pardoning any person convicted of a felony. Formerly this was necessary only in cases of murder of the first degree. Only in cases of felonies, the punishment for which is death or life imprisonment, is the Governor required to publish reasons for granting a pardon.<sup>32</sup>

The important legislation of the Thirty-seventh General Assembly relating to law enforcement by the Governor and Attorney General was strengthened by increasing the annual appropriation to pay for the services of peace officers and special agents from \$25,000 to \$37,000. Furthermore, persons employed under the provisions of this act, other than peace officers under bond, are required to give a bond in the sum of \$5000.<sup>33</sup> Another act excludes State agents from obtaining free transportation within a city.<sup>34</sup>

Agents appointed by the Governor to secure fugitives from justice in other States or foreign countries will have their expenses paid by the county instead of by the State, and expenses are not limited to ten cents a mile as before.<sup>35</sup>

<sup>31</sup> *House Journal*, 1919, pp. 2043-2046, 2105, 2106.

<sup>32</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 173.

<sup>33</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 327.

<sup>34</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 174.

<sup>35</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 131.



Another act affecting the powers of the Governor authorizes him to fill temporarily a vacancy in the office of United States Senator in case the Senate (instead of Congress, as in the previous law) is in session or will convene before the next general election.<sup>36</sup>

#### STATE OFFICES AND OFFICERS

Overshadowed by the Rathbun pardon case, but scarcely less important, was the investigation of the office of the Secretary of State, particularly in connection with the administration of the motor vehicle department. The Secretary tendered his resignation, although it did not take effect until July 1st. The General Assembly, on March 14th, transferred the motor vehicle department to the office of the State Treasurer.<sup>37</sup> According to the provisions of the revised motor vehicle law, however, the administration of motor vehicle registration was transferred back to the department of the Secretary of State on July 1, 1919.<sup>38</sup>

By the provisions of chapter 413 — the last act to be approved by the Governor — the term of the State Document Editor is changed from two to four years.<sup>39</sup>

To the duties of the Superintendent of Public Instruction is added that of assisting in the placement of teachers in the public schools. In reality, provision is made for the establishment and maintenance of a State teachers' agency for the purpose of helping school authorities to find teachers as well as helping teachers to find positions. An annual appropriation of \$2500 was made to defray the expenses of carrying on this work.<sup>40</sup>

<sup>36</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 215.

<sup>37</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 51.

<sup>38</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 275.

<sup>39</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 413.

<sup>40</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 298.

The State Entomologist was authorized to purchase supplies and equipment, including an automobile costing not more than \$800.<sup>41</sup>

Although the official title of the Dairy and Food Commissioner was specifically designated by law in 1911, he is still referred to in some of the legislation by his former title of Food and Dairy Commissioner.<sup>42</sup> By the legislation of 1919 his term is changed from two to four years; his assistants will hereafter be on full time duty and enjoy an increase of salary; and his appointment of a State chemist is made optional to conform with the language of the remainder of the statute. This change will make no practical difference, however, as the work of the State chemist is an essential part of the work of the department. The bacteriological work under the Dairy and Food Commissioner has become so important and so extensive that it was thought advisable to establish the position of bacteriologist and assistant chemist, although several times in the past bacteriologists have been employed under the title of assistant chemists to take care of the bacteriological work. An assistant chemist and bacteriologist was mentioned in the act providing for the compensation of State employees in 1917.<sup>43</sup> The Dairy and Food Commissioner was empowered to determine food standards, not already fixed by law, in conformity with the standards proclaimed by the United States Secretary of Agriculture.<sup>44</sup>

Chapter 238 enlarges the membership of the Commission of Animal Health by increasing the number of stock raisers from two to four.<sup>45</sup>

<sup>41</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 305.

<sup>42</sup> *Acts of the Thirty-fourth General Assembly*, p. 129.

<sup>43</sup> *Acts of the Thirty-seventh General Assembly*, p. 330.

<sup>44</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 206, 284.

<sup>45</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 238.

The number of State agents in connection with the Soldiers' Orphans' Home, the Training Schools for boys and girls, and the Women's Reformatory is increased from five to six and the appropriation to cover the salaries and expenses of the State agents is increased from \$9000 to \$14,000 annually.<sup>46</sup> Moreover, the State Board of Education is authorized to employ one State agent to aid in enforcing the compulsory education law in reference to deaf and blind children.<sup>47</sup>

The law relating to the employment by the Executive Council of an expert accountant to examine the books and methods of accounting of State officers was rewritten, allowing him more than one assistant and widening his usefulness in suggesting reforms in the methods of accounting. Institutions under the Board of Control and the Board of Education are specifically excepted from interference with "the system of taking care, and management of the institutions" under their control.<sup>48</sup>

A board of shorthand reporter examiners was created — principally for the purpose of certifying to the qualifications of shorthand court reporters. The board is composed of two official shorthand reporters of the district court and a practicing attorney in Iowa, to be appointed by the Chief Justice of the Supreme Court for a term of three years. The examiners receive ten dollars a day and expenses, to be paid out of the fund accruing from the fees of the applicants. Examinations are held at stated times.<sup>49</sup>

<sup>46</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 105.

A legislative error of the Thirty-seventh General Assembly was corrected by repealing a section of an act increasing the appropriation for State agents from \$7000 to \$7300 annually because another act of the same Assembly increased the appropriation for the same purpose from \$7000 to \$9000 annually.— *Acts of the Thirty-seventh General Assembly*, Chs. 349, 370.

<sup>47</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 120.

<sup>48</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 409.

<sup>49</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 258.

## THE STATE LEGISLATURE

The most progressive measure relating to the legislative branch of the State government is an act authorizing the Executive Council to install before January 1, 1920, an electrical and mechanical system for the instantaneous registration of the votes of the members of the House of Representatives on all questions requiring a roll call.<sup>50</sup>

An act which was passed in anticipation of difficulties to be encountered in the Rathbun pardon investigation provides that witnesses appearing before a legislative committee conducting an investigation are not excused from giving testimony that might render them criminally liable or expose them to public ignominy. Such testimony, however, can not be used against the witness.<sup>51</sup>

The compensation of employees of the General Assembly, which hitherto had been fixed by law, will now be determined by joint action of the House and Senate soon after the opening of the session. Several additional employees were authorized by the Thirty-eighth General Assembly; and in some cases the increase in compensation of employees amounted to as much as four dollars a day. The Secretary of the Senate and Chief Clerk of the House were paid ten dollars a day; and the other clerks, sergeants-at-arms, post-mistresses, door-keepers, and janitors received from four to seven dollars a day.<sup>52</sup>

## THE STATE JUDICIARY

The erection of a judiciary building to be known as "The Temple of Justice" was finally authorized, after having been under consideration by several General Assemblies. Two members of the Senate, two members of the House of

<sup>50</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 322.

<sup>51</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 79.

<sup>52</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 1, 4, 5.

Representatives, the Executive Council, and the Chief Justice of the Supreme Court constitute a building committee with authority to spend approximately \$750,000, but not more than \$1,000,000, for the building. The law passed in 1913 authorizing a millage tax for capitol extension purposes was amended so that some of the funds which have been accumulating under its provisions may be used for this building, within which may be housed the State law library, the State general library, the Supreme Court of Iowa, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Attorney General, the Railroad Commission, the Commerce Counsel, and the Board of Parole. Furthermore, the unexpended portion of the million dollar war appropriation of 1917, including such reimbursements as may be made by the Federal government, was made available for the same purpose. It was suggested on several occasions that this building be made a memorial to the soldiers, sailors, and marines of the World War, but the idea failed to secure the support of the General Assembly. The Temple of Justice will be the first building authorized and constructed according to the plans of the Allison Memorial Commission.<sup>53</sup>

When a district court judge or a district court shorthand reporter is compelled to leave his place of residence in the performance of his duty he is still allowed three dollars a day for expenses, but is not limited to \$200 a year as formerly.<sup>54</sup>

The business of shorthand court reporting is raised to the rank of a profession by making it a misdemeanor to appoint any except certified shorthand reporters to a position in a district, superior, or municipal court. The board of shorthand reporter examiners (discussed above under

<sup>53</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 349.

<sup>54</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 70, 268.

"State Offices and Officers") is created for the purpose of examining candidates, and none but citizens of Iowa who have been approved by this board may be styled or known as certified shorthand reporters. Each applicant must pay an examination fee of five dollars to the Clerk of the Supreme Court.<sup>55</sup> The compensation of shorthand court reporters is raised from eight to ten dollars a day, and the total annual allowance for the compensation of court reporters, to be apportioned among the counties of the district in proportion to the number of days court is held in each, is increased from \$1600 to \$2400.<sup>56</sup>

It appears that the object of one of the acts relating to the judiciary is to clarify the law in regard to jurors for superior courts. The Thirty-seventh General Assembly passed a law creating a jury commission to replace the county auditor, clerk, and recorder in the selection of district court jurors in counties with a population exceeding 20,000 in which there is a city having a population of more than 15,000. Since that law went into effect it has been a serious question whether superior court jurors selected by a jury commission constitute a legal jury; and so the Thirty-eighth General Assembly made this method of selecting jurors specifically applicable to superior court jurors in counties with 20,000 population containing a city with 15,000 population (that is, Pottawattamie, Linn, and Lee counties).<sup>57</sup>

A piece of special legislation for the benefit of the superior court in Cedar Rapids was amended without changing the effect of the law in the least. Since 1911 it has been unnecessary to demand trial by jury in a superior

<sup>55</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 258.

<sup>56</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 288.

<sup>57</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 267; *Acts of the Thirty-eighth General Assembly*, Ch. 251.

court located in a city with a population of 25,000 or more and not a county seat. Cedar Rapids and Council Bluffs are the only cities with superior courts which have a population exceeding 25,000, but the law applied only to Cedar Rapids because Council Bluffs is a county seat. The amendment by the Thirty-eighth General Assembly struck out the county seat disqualification, but raised the population minimum to 40,000 so that the superior court of Cedar Rapids is still the only one to qualify. This change was made in anticipation of Cedar Rapids becoming the county seat of Linn County (where an election on that proposition will be held in November, 1919). Whatever the result of the election may be, the superior court in Cedar Rapids will continue to be the only one capable of handling cases of equal importance with those tried in district courts.<sup>58</sup>

In providing jurors for the superior court in Cedar Rapids the jury commission law was made applicable; the names of sixty persons, instead of thirty as heretofore, are drawn in the same manner as jurors for the district court; and the submission of the list to the proper city officer and the summoning of the jurors are described.

The compensation of clerks of the grand jury is changed as indicated in the table of compensations of county officers. Furthermore, in counties with a population exceeding 120,000 an assistant clerk of the grand jury may be appointed.<sup>59</sup>

#### THE STATE INSTITUTIONS

*Support.*— Since any extensive rise in prices is bound to affect the cost of maintenance of State institutions, it was to be expected that the monthly support allowed for each inmate of the institutions under the Board of Control would be increased by the Thirty-eighth General Assembly.

<sup>58</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 245.

<sup>59</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 254.

The maximum monthly sum allowed for the board and care of each patient in the hospitals for the insane at Mount Pleasant and Clarinda has been increased from \$14 in 1911 to \$16 in 1917 and to \$24 in 1919; while in the hospitals at Independence and Cherokee the amount has been increased from \$15 to \$17 in 1917 and to \$24 in 1919.<sup>60</sup>

At the Soldiers' Home the support was fixed at \$15 per inmate in 1907, and in 1913 the provision was added that if there should be an average of fewer than 850 inmates any month a lump sum of \$12,750 should be available for support. In 1917 the support was increased to \$16 or \$13,600, and in 1919 to \$22 per inmate or a minimum of \$18,700.

The support of the Institution for Feeble-minded Children was \$12 a month per inmate from 1898 until 1917 when it was raised to \$13. In 1919 it was further increased to \$17.

The monthly support of the Penitentiary was fixed at \$11 a prisoner in 1913, raised to \$13 in 1917, and increased to \$17 in 1919 with a minimum of \$10,625 if the average number of prisoners any month is less than 625; while the monthly support of the Men's Reformatory was fixed at \$11.50 a prisoner in 1913, raised to \$13.50 in 1917, and increased to \$17 in 1919 with a minimum of \$11,050 if the average number of prisoners any month is less than 650.

Twelve dollars a month for each child with a minimum of \$6600 for fewer than 550 children was the support fixed in 1913 for the Soldiers' Orphans' Home. The amount was

<sup>60</sup> *Acts of the Thirty-fourth General Assembly*, Ch. 97; *Acts of the Thirty-seventh General Assembly*, Ch. 266; *Acts of the Thirty-eighth General Assembly*, Ch. 37.

An unusual method of amendment was used in this instance. Instead of amending the act of the Thirty-seventh General Assembly (except in one instance) or amending the sections in the *Supplement to the Code of Iowa, 1913*, and the *Supplemental Supplement* as amended by the act of the Thirty-seventh General Assembly, various sections of the act of the Thirty-seventh General Assembly were first repealed and then the sections in the *Supplement* and *Supplemental Supplement* were repealed and new provisions enacted in lieu thereof.



increased to \$14 per child in 1915 and a minimum of \$7000 for fewer than 500 children, \$15 a child in 1917 and a minimum of \$7500 for fewer than 500 children, and \$25 a child in 1919 and a minimum of \$9000 for fewer than 360 children.

The monthly support of the Training School for Boys was fixed at \$13 per inmate in 1913, \$14 in 1915, \$16 in 1917, and \$24 in 1919 while the minimum total allowance based on 480 inmates has increased correspondingly from \$6240 to \$11,520.

For the Training School for Girls the monthly support was placed at \$16 per inmate in 1913, increased to \$18 in 1917, and made \$24 in 1919; while the minimum total allowance based on 235 inmates has increased correspondingly from \$3760 to \$5520.

The per capita monthly allowance for the support of the Sanatorium for Tuberculosis was increased from \$45, established in 1913, to \$50.

Fifteen dollars a month for each inmate and a minimum of \$2000 for less than an average of 125 prisoners, was the support established for the Women's Reformatory in 1915. The minimum support was increased to \$3375 for an average number of persons less than 225 in 1917, and in 1919 the per capita support was raised to \$24 a month and the minimum support to \$3960 for less than an average of 165 prisoners.

The per capita monthly allowance for the support of the Colony for Epileptics as established in 1915 was \$15 a month. Until there should be actually 300 patients in the institution, however, the monthly support was to be \$4000. The legislation of 1919 changed the monthly per capita support to \$24 and the minimum total support to \$7000.

The monthly support of the newly established Psychopathic Hospital will be \$9000 until there are 100 patients.<sup>61</sup>

<sup>61</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 235.

*Buildings.*— Plans were approved for the following buildings at State educational institutions, and the State Board of Education is authorized to erect them out of the proceeds from the millage tax provided for in 1911.<sup>62</sup>

Steam laboratory (S. U. I.), not to exceed.....	\$ 50,000
Children's hospital (S. U. I.), completion, not to exceed .....	22,000
Dormitory for men (S. U. I.), completion, not to exceed .....	125,000
Mechanical shops (Ames), not to exceed.....	25,000
Foundry (Ames), not to exceed.....	25,000
Dormitory for women (Ames), not to exceed.	90,000
Poultry laboratory (Ames), not to exceed....	30,000

Moreover, \$30,000 additional was appropriated for the completion of the dormitory for men and \$150,000 for a nurses' home at the State University; while \$300,000 was appropriated for a library at the State College of Agriculture and Mechanic Arts.<sup>63</sup>

*Medical Institutions.*— A State Psychopathic Hospital for the observation and treatment of persons afflicted with abnormal mental conditions was established at Iowa City in connection with the college of medicine of the State University and under the direction of the State Board of Education. The director of the hospital will serve as professor of psychiatry in the medical college. Both private and public patients will be cared for — the latter at the expense of the State, and the former without expense to the State. One hundred and seventy-five thousand dollars was appropriated to erect a suitable building.<sup>64</sup>

<sup>62</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 411.

<sup>63</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 403.

<sup>64</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 235.

The college of homeopathic medicine at the State University was abolished, and a department of homeopathic materia medica and therapeutics in the college of medicine substituted therefor.<sup>65</sup>

Provision is made for the establishment of a medical department of the State Library at Des Moines with a librarian trained in medicine and surgery in charge.<sup>66</sup>

Since the State Sanatorium at Oakdale was established the treatment of persons afflicted with tuberculosis has undergone considerable change. While the treatment of incipient cases is important on account of their curability, it has been found that the hospitalization and segregation of advanced cases are of far greater importance. The law relating to the admission of patients to the State Sanatorium was therefore rewritten by the Thirty-eighth General Assembly so as to include advanced as well as incipient cases. Early diagnosis of pulmonary tuberculosis is difficult, and so originally it was thought wise to have specially appointed persons in each county to serve as preliminary examiners of all persons seeking admission to the Sanatorium. But this arrangement did not work well. Many physicians were as competent to diagnose incipient tuberculosis as were the examining physicians. Moreover, patients frequently refused to be examined by the regularly appointed examiners, which hindered the program for controlling the disease. And after all, the final authority to admit or reject patients rested with the Superintendent of the Sanatorium. This situation led the General Assembly to repeal the provisions of the law relating to examining physicians, and now any physician may send his patients directly to Oakdale.<sup>67</sup> Twenty-eight thousand dollars was

<sup>65</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 109.

<sup>66</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 367.

<sup>67</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 171.

appropriated to pay for equipment and the completion of the laboratory building at the Sanatorium.<sup>68</sup>

*Institutions for Defectives.*—When the Thirty-seventh General Assembly transferred the School for the Deaf to the control of the State Board of Education, the provision in the law fixing the salary of the Superintendent at \$1500 a year was not repealed.<sup>69</sup> That oversight was corrected by the Thirty-eighth General Assembly, and the Board of Education may now use its discretion as to the salary of this officer; but another provision in the same section, requiring the Superintendent to be “proficient in the use of the sign language”, was left unchanged.<sup>70</sup> It seems that there has been a professional dispute as to the use of the sign or the oral method of teaching deaf mutes, so that it was not thought wise to strike out the requirement that the Superintendent be proficient in the sign method. A special appropriation of \$22,500 is made for repairs and contingent expenses at the School for the Deaf,<sup>71</sup> and the appropriation for paving is increased. Furthermore, this pavement need not be concrete as formerly specified and the work may be done by contractors rather than by prisoners from the Men’s Reformatory or the Penitentiary.<sup>72</sup>

The annual appropriation for inspecting private and county institutions where insane persons are kept and societies or homes for the care of friendless children is increased from two to three thousand dollars.<sup>73</sup> For the

<sup>68</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 191.

<sup>69</sup> The State Board of Education fixes the salaries of all employees in the institutions under its jurisdiction.

<sup>70</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 128; *Supplement to the Code of Iowa, 1913*, Sec. 2727-3a.

<sup>71</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 264.

<sup>72</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 401.

<sup>73</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 308.

purpose of completing improvements in the water works at the Cherokee Hospital for the Insane, \$23,000 is appropriated,<sup>74</sup> and the Board of Control is authorized to construct some paving at the same institution for which \$37,000 is appropriated.<sup>75</sup>

The Board of Control is authorized to abolish the Hospital for Inebriates at Knoxville; and provision is made for the transfer to other State institutions of patients addicted to the use of narcotic drugs, and for the discharge of all others. The Board of Control and Board of Education are authorized to confer and report to the Thirty-ninth General Assembly what disposition should be made of the State property at Knoxville.<sup>76</sup>

A law relating to the custody of feeble-minded persons makes all inmates of the Institution for Feeble-minded Children wards of the State and provides for the apprehension and return of any who leave the Institution without a written order from the Board of Control.<sup>77</sup> Many morons and high grade imbeciles are delinquents and a menace to the community. The purpose of the act, therefore, is to make permanent segregation possible and prevent injudicious friends from obtaining the removal of inmates.

*Institutions for Delinquents.*—The name of the reformatory at Anamosa was officially changed to "The Men's Reformatory", to distinguish it from "The Women's Reformatory" at Rockwell City.<sup>78</sup> The Executive Council is authorized to sell a part of a farm used in connection with the Men's Reformatory and purchase with the accruing

<sup>74</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 119.

<sup>75</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 226.

<sup>76</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 366.

<sup>77</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 281.

<sup>78</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 27.

funds some land for the Training School for Boys.<sup>79</sup> Forty thousand dollars was appropriated to build a cottage at the Training School for Girls.<sup>80</sup>

*Institutions for Dependents.*—Henceforth women who married honorably discharged soldiers, sailors, or marines prior to 1905 (the former date was 1895) may be admitted to the Iowa Soldiers' Home.<sup>81</sup> The sum of \$23,000 was appropriated for the construction of a spur railroad track to the grounds of the Soldiers' Home.<sup>82</sup>

Probably the most important legislation relating to State institutions is an act authorizing the Board of Control to establish a State Juvenile Home for the "care and education of dependent, neglected, delinquent, or destitute children" under fifteen years of age. Proper school instruction, including manual training and military tactics, is to be provided. The per capita monthly support of the Home is fixed at \$25, half of which is payable by the county in which the child has a settlement. If the average number of children is less than 360 any month the minimum support is fixed at \$9000. The sum of \$108,700 was appropriated to cover the cost of buildings and equipment.<sup>83</sup>

#### COUNTY OFFICERS AND GOVERNMENT

The record of the board of supervisors relating to the allowance of money for claims will hereafter be kept in a "claim register" rather than in the "minute book",<sup>84</sup> and the county auditor is empowered to adjourn a regular or

<sup>79</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 17.

<sup>80</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 186.

<sup>81</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 196.

<sup>82</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 294.

<sup>83</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 165.

<sup>84</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 317.

an adjourned meeting of the board of supervisors from day to day until a quorum is present.<sup>85</sup>

To furnish legal advice free of charge to all school boards and township officers was made a duty of county attorneys.<sup>86</sup>

The compensation of the sheriff for boarding prisoners was increased from fifteen to twenty cents a meal.<sup>87</sup>

County recorders are required to pay all fees collected by them into the county treasury quarterly instead of annually, but they will continue to make settlements with the board of supervisors annually.<sup>88</sup>

The county superintendent is now charged with the duty of enforcing the law relating to the compulsory attendance of pupils and the exclusive use of the English language in the schools;<sup>89</sup> and his allowance for expenses was increased from \$250 a year to \$400.<sup>90</sup>

If the county coroner is a physician he may make a scientific investigation at an inquest instead of calling a physician or surgeon. Members of coroners' juries will now be paid two dollars a day and ten cents a mile traveling expenses. The section of the Code relating to coroners' fees was rewritten, materially increasing the amount of the fees in most cases and adding entirely new fees for docketing each case, for writing the evidence of witnesses when no stenographer is employed, and for returning a verdict to the State mine inspector in case of an accidental death in a mine. Finally, the Thirty-eighth General Assembly authorized the coroner to serve subpoenas, or deputize some

<sup>85</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 26.

<sup>86</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 232.

<sup>87</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 256.

<sup>88</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 23.

<sup>89</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 340.

<sup>90</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 303.

person to do it, in the absence of any officer ordinarily possessing that power.<sup>91</sup>

The legislation in regard to the compensation of county officers and their deputies will be found in connection with the table of compensations of public officers given above.

An amendment of section 423 of the *Supplemental Supplement* makes it possible for the board of supervisors to erect a county home at a cost of \$10,000 without submitting the proposition to a vote of the people. Formerly the limit of expenditure for this purpose without a vote of the people was \$5000.<sup>92</sup> Another enactment increases the amount of money that the board of supervisors may expend for real estate from \$5000 to \$10,000 without the approval of the voters.<sup>93</sup> These enactments reflect the increase in real estate values.

The wide-spread antipathy for hyphenated Americanism as exemplified by foreign language publications caused the passage of a bill prohibiting the publication, after 1919, of official county and municipal notices and proceedings in any newspapers except those printed wholly in the English language. A technical change was made in the selection of two or more official county newspapers that enter into an agreement to publish the official proceedings.<sup>94</sup> The compensation for publishing the delinquent tax list in each county was doubled — forty cents for each description instead of twenty cents. The original bill provided for publication of tax lists in the official county papers, rather than in "some newspaper" in the county, at the same rates as are paid for the publication of board proceedings, which would have assured better publicity, but these features

<sup>91</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 122.

<sup>92</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 71.

<sup>93</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 73.

<sup>94</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 82.



were killed in the Senate on a motion to reconsider. The bill as finally passed, however, will enable the larger newspapers to print delinquent tax lists for compensation approximating commercial rates.<sup>95</sup> Several bills relating to public printing were so stringent in their regulations or detrimental to the interests of publicity that they were promptly killed.<sup>96</sup>

All duplicate tax receipts, saloon consent petitions and remonstrances, liquor requests, poll tax receipts, and hunting license applications which have been on file in the office of county treasurer or auditor more than five years may be destroyed.<sup>97</sup>

#### TOWNSHIP OFFICERS

The small amount of legislation relating to township government is a conspicuous indication of the relative unimportance of the township in Iowa. During the session under consideration the principal enactment relative to the township makes it the duty of the township clerk to deposit in a bank the funds he receives, such deposits to bear interest which shall accrue monthly to the benefit of the road fund.<sup>98</sup> By another act it is made the duty of township trustees to control, appoint trustees for, or sell township cemeteries.<sup>99</sup> The traveling fees which constables are entitled to receive were increased from five to ten cents a mile.<sup>100</sup>

<sup>95</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 389; *Senate File No. 390*; *Senate Journal*, 1919, pp. 1199, 1200.

<sup>96</sup> *House Files No. 328, 329, 330.*

<sup>97</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 387.

<sup>98</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 261.

<sup>99</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 218.

<sup>100</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 48.

## MUNICIPAL LEGISLATION

While no new forms of municipal government were established in 1919 the bulk of the legislation relating to cities and towns is larger than that on any other subject.

*City Officials.*—In special charter cities having a population of twenty thousand or more—that is, Davenport and Dubuque—the mayor will no longer be a member of the council. He will, however, preside over the council with the right to vote in case of a tie. This law was intended to benefit Davenport where paving contracts require a two-thirds vote of the council, which formerly consisted of eight aldermen and the mayor—nine members with eight votes. Thus three aldermen could obstruct the paving program. It is doubtful, however, whether the amendment will alter the situation. A two-thirds vote is still six, with no possibility of a tie to make the mayor the deciding factor: three aldermen can still defeat a paving contract.<sup>101</sup>

In any city or town not a special charter city or a city of the first class, except commission governed cities of the first class with less than 35,000 population, the management and control of municipal owned water works, heating plants, gas works, or electric plants may be placed in the hands of a board of three trustees if the people so decide at an election on the proposition. The trustees will be appointed by the mayor, hold office six years, and receive a salary of not more than \$100 a year and in commission governed cities not over \$300 a year. Their powers are the same as those of municipal water works trustees.<sup>102</sup>

The possibility of a conflict of authority was removed by making the action of river front improvement commis-

<sup>101</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 185.

<sup>102</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 85.

sions, in so far as it affects city parks under the jurisdiction of park commissioners, subject to the approval of the board of park commissioners.<sup>103</sup>

In cities of the second class it has been permissible for the council to establish by ordinance the office of city engineer, to be filled by appointment by the mayor. An amendment by the Thirty-eighth General Assembly states that the council in such cities may at the first meeting appoint a city engineer. Inasmuch as the council has supervision over the work of the engineer it seems proper that he should be appointed by that body.<sup>104</sup>

Not only policemen but all peace officers (except State agents) wearing the insignia of their office are now entitled to free transportation within the city. Deputy sheriffs, constables, bailiffs, and other peace officers who have many legal papers to serve and whose salaries are small found that their street car fare amounted to a considerable sum in a year. The law remedies this injustice.<sup>105</sup>

*Ordinances.*— Since 1858 there has been a provision in the law of Iowa that no city ordinance may be revised or amended except by being repealed and an entire new ordinance or section enacted in lieu thereof. The Thirty-eighth General Assembly added that a complete revision of the ordinances of a city or town by rearrangement and grouping in a sort of code would meet the requirements of the old statute.<sup>106</sup>

Before 1907 a town council consisted of a mayor and six councilmen, and a vote of four councilmen or three councilmen and the mayor was required for the passage of or-

<sup>103</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 97.

<sup>104</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 147.

<sup>105</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 174.

<sup>106</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 21.

dinances. Since 1907, however, a town council has consisted of five councilmen, so that the passage of an ordinance has required an eighty per cent vote of the council and if one member were absent a unanimous vote was necessary. Moreover, in both cities and towns ordinances relating to street improvements required a two-thirds vote of the council — which meant three out of four, four out of five, four out of six, or five out of seven councilmen — making much improvement well nigh impossible. The result was that needed public improvements and beneficial ordinances were often obstructed or the statutory requirements ignored and the proceedings of municipal councils filled with illegal measures. This condition of affairs was remedied by the Thirty-eighth General Assembly in a statute making a simple majority sufficient to secure the passage of any ordinance in any city or town governed under the general municipal incorporation law.<sup>107</sup>

*Municipal Courts.*— Any city in Iowa having a population of five thousand or more may now establish a municipal court.<sup>108</sup> Formerly this provision applied to cities having a population of twenty thousand or more. A few technical amendments were made in the law relating to the time when the process of establishing a municipal court shall have been completed and to the selection of municipal court officers.<sup>109</sup> Heretofore there has been one municipal court judge for every thirty thousand population or major fraction thereof. Now there will be one judge in cities with less than 30,000 population, two in cities between 30,000 and 50,000 population, and in cities above 50,000 one for each 30,000 population or major fraction thereof. This change was made for the special benefit of Waterloo where the population is not

<sup>107</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 255.

<sup>108</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 142.

<sup>109</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 16.

sufficient to have secured two municipal court judges under the former provisions.<sup>110</sup> The bailiff of a municipal court may hereafter retain fees to the extent of covering his mileage and necessary expenses.<sup>111</sup>

Instead of two dollars a day municipal court jurors will now receive the same compensation as jurors in the district court (\$2.50), except that they will be allowed no mileage.<sup>112</sup>

The Thirty-seventh General Assembly authorized cities with a population exceeding 50,000 to erect a municipal court building. Under the provisions of that act Des Moines held the required election and began the construction of a building. On account of increased costs, however, it became impossible to complete the building at the maximum cost stipulated in the question submitted at the election, so the Thirty-eighth General Assembly authorized the issue of sufficient bonds, without another election, to cover the additional cost.<sup>113</sup>

*Street Improvements.*—The Thirty-eighth General Assembly authorized cities to use salvaged material from old paving in the construction of new paving—an important privilege in the light of the extensive use of concrete paving. Hitherto cities were empowered only to dispose of waste material, not to use it.<sup>114</sup>

Contractors are now required to keep street improvements or sewers in repair four years after they have been accepted by the city.<sup>115</sup>

The law empowering the city council to require the in-

<sup>110</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 163.

<sup>111</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 42.

<sup>112</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 161.

<sup>113</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 17; *Acts of the Thirty-eighth General Assembly*, Ch. 155.

<sup>114</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 25.

<sup>115</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 234.

stallation of all sewer, electric, gas, water, and steam heating connections before permanent street improvements are made was amended to take account of the authority of the board of water works trustees in cities in which the water works are owned by the municipality.<sup>116</sup> In order that this law may be entirely in harmony with municipal organization it would seem that the same provision should apply to the recently created board of public utilities trustees.

The maximum limit of the cost of temporary sidewalks was raised from forty to sixty cents per linear foot.<sup>117</sup>

A change was made in the method of publishing notices of hearings on and bids for street improvements. If there is no newspaper or post office in the town such notices may be posted in whatever public place the council may designate.<sup>118</sup> This amendment was made necessary on account of the abandonment of small post offices due to the development of rural free delivery.

*Sewers.*—The sewer fund tax was increased from two to five mills and made available for the maintenance and operation of sewage disposal plants. This act was also made specifically applicable to commission governed and special charter cities.<sup>119</sup>

In addition to the power already existing, cities and towns are authorized to contract indebtedness to the extent of five per cent of the value of the taxable property and issue twenty year five per cent bonds for the purpose of constructing sewers.<sup>120</sup>

The board of health in all cities and towns is given the

<sup>116</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 92.

<sup>117</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 150.

<sup>118</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 383, 384.

<sup>119</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 394.

<sup>120</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 243.

important power of compelling the installation of sanitary toilet facilities wherever there is a sewer.<sup>121</sup>

When the provisions of the law in the Code relating to sewers were made applicable to towns in 1906 the expression "sanitary sewers" was used. This difference in terminology was rectified by the legislation of 1919.<sup>122</sup>

*Fire Department.*—The tax levy for the maintenance of a fire department in cities with a population exceeding nine thousand, except in commission governed cities with more than ninety thousand population (Des Moines), is increased from six to seven mills.<sup>123</sup> Cities with less than three thousand inhabitants, as well as towns, may now use these funds to purchase fire equipment.<sup>124</sup> Moreover, the law authorizing a special tax of one and a half mills for the purpose of acquiring property for the use and equipment of the fire department is made applicable to towns and cities under 3000 population. This privilege had been enjoyed only by cities of 3000 or over.<sup>125</sup>

*Finance.*—Probably the most forward looking measure relating to municipalities is an act providing that cities and towns may adopt a budget system of finance. According to the terms of this law the separate annual tax levies for general expenses, the grading fund, the improvement fund, the sewer fund, the water tax, and the light or power tax may be consolidated into a single tax levy and spent only for the same purposes as the separate levies. Annually before the first of April the council must prepare a budget based on estimated expenses of the several depart-

<sup>121</sup> *Acts of the Thirty-eighth General Assembly, Ch. 316.*

<sup>122</sup> *Acts of the Thirty-eighth General Assembly, Ch. 59.*

<sup>123</sup> *Acts of the Thirty-eighth General Assembly, Ch. 148.*

<sup>124</sup> *Acts of the Thirty-eighth General Assembly, Ch. 159.*

<sup>125</sup> *Acts of the Thirty-eighth General Assembly, Ch. 259.*

ments. The budget must show all of the purposes for which all tax levies will be used and must be published two weeks before final adoption.<sup>126</sup>

The compulsory examination of municipal accounts was extended to include all cities having a population exceeding three instead of five thousand.<sup>127</sup>

The law relating to the issue of bonds for a city or town hall was rewritten. The amount of indebtedness allowed for that purpose in cities and towns including commission governed cities was increased to an amount which, added to all other indebtedness, will not exceed five per cent of the actual value of the taxable property in the city. Formerly the limit of total indebtedness was two per cent except in special chartered cities where it was and is still five per cent. This amendment places indebtedness for a city hall on the same basis as that for water works, gas, electric, and heating plants.<sup>128</sup> The Thirty-eighth General Assembly struck out sewers as one of the public improvements for which indebtedness could be incurred to an amount which, added to all other indebtedness of a city or town, would not exceed five per cent of the property value of the municipality. Inasmuch as sewers are regarded as an absolute necessity the purpose of this measure was doubtless to remove a possible restriction upon sewer construction if the municipality were already in debt to the limit.<sup>129</sup>

The amount for which a warrant may be drawn in a special charter city was increased from \$500 to \$1000.<sup>130</sup>

*Miscellaneous Powers.*—The law empowering cities with a population exceeding 7000 to require railroads to main-

<sup>126</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 112.

<sup>127</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 301.

<sup>128</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 247.

<sup>129</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 250.

<sup>130</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 339.



tain viaducts under or over the tracks was extended so that it now applies to cities whose population is more than 5000.<sup>131</sup>

The law authorizing cities to protect property from floods by "deepening, widening, straightening, altering, changing, diverting, or otherwise improving water courses" was re-written in more specific language. According to the terms of the new act the city council may of its own motion (not necessarily as the result of a petition) propose such an improvement. Only fourteen days' notice instead of twenty need be given before the hearing on the proposition before the council, and the provisions for the publication of the notice are simplified. It will no longer be necessary to submit the question to a vote of the people. The manner of letting contracts for the work and the terms of such contracts are made more stringent. An elaborate procedure is provided in case the improvement crosses the right of way of a railroad or street railway company — probably with the idea of meeting conditions in Sioux City. Formerly cities with a population exceeding 24,000 could issue twenty year bonds: now only cities whose population exceeds 50,000 may incur indebtedness for the above purpose, and the term of the bonds is changed to twenty-five years.<sup>132</sup>

Failure of the ice crop in Iowa in 1919 is responsible for an act granting to cities with a population of less than 10,000 which own their own water works, the right to utilize steam and excess power and install the necessary equipment for the manufacture of artificial ice.<sup>133</sup>

A progressive measure for the promotion of "public health, safety, order and general welfare" authorizes all

<sup>131</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 106.

<sup>132</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 285.

<sup>133</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 326.

cities of the first or second class to establish building lines along the streets over which no structure may extend.<sup>134</sup>

An amendment is added to the law relating to the requirements for plats of additions to cities and towns. Before the council need approve of such a plat the owner may be required to bring all streets to an acceptable grade.<sup>135</sup>

*Special Legislation.*—Four acts of the Thirty-eighth General Assembly contain special legislation for particular cities. While the provisions are couched in general terms the language is so specific that in each case there can be only one city to which the law can possibly apply. Such legislation is perhaps unconstitutional, but in each instance peculiar circumstances doubtless justify the measure.

In 1915 all cities, except special charter cities, were authorized to pave main traveled highways through the city — the major part of the cost to be assessed to property within the paving district. The city of Ottumwa desired to pave such a street, but for more than 1500 feet the property fronting on the street consisted of a cemetery operated not for pecuniary profit and therefore not assessable. The original act was amended to allow "cities under the commission plan having a population of more than twenty thousand (20,000), and in which is situated no city cemetery but contain within their confines a cemetery established for more than twenty years and is conducted by a cemetery association or corporation operated not for pecuniary profit, and which cemetery contains more than forty acres and is so situated as to for a distance of more than fifteen hundred (1500) feet bar access to the city", to levy a tax to cover the cost not justly assessable to other abutting property.<sup>136</sup>

<sup>134</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 145.

<sup>135</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 241.

<sup>136</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 101.

The city of Cedar Rapids in the expectation of becoming the county seat of Linn County has obtained all the needed legislation for that purpose. Among the acts of the Thirty-eighth General Assembly is one giving any commission governed city, with a population between 35,000 and 50,000 according to the State census of 1915 and divided by a river in which there is an island owned by the city, the power to donate a part of the island to the county for a court house site.<sup>187</sup>

An act which at the present time applies only to Des Moines confers upon cities with a population exceeding 100,000 the power to "own, construct, erect, establish, acquire, purchase, maintain and operate" water works within and not more than ten miles beyond the corporate limits. Such water works can not be leased for longer than twenty-five years. Before the water works can be purchased, constructed, leased, or sold, the action must be approved by a majority of those voting thereon. The act also sets out in considerable detail the regulations in regard to the tax levy, bond issue, sinking fund, organization and duties of the board of water works trustees, determination of rates, exertion of political influence, and punishment for embezzlement.<sup>188</sup>

Another act that applies only to Des Moines empowers a commission governed city having a population exceeding 100,000 through which a stream flows that furnishes drainage for a municipality further up the stream whose boundary lines join to "construct, repair and maintain the necessary drains and sewers to preserve and protect the health of such cities." The drainage from Valley Junction would ordinarily go into the Raccoon River, from the valley of which river the city of Des Moines obtains its water supply.

<sup>187</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 111.

<sup>188</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 288.

The new law will permit Des Moines to build a big sewer to take the Valley Junction drainage and assess property in all parts of the city on the ground that the entire city would be benefited by thus safeguarding the water supply.<sup>139</sup>

A number of other acts, special in character, are discussed in other parts of this review and therefore require no mention in this connection.

#### HIGHWAY LEGISLATION

By far the most important piece of road legislation and the most widely discussed of all the laws enacted by the Thirty-eighth General Assembly is the act which divides the highways of the State into primary and secondary systems, provides for the "substantial and durable" improvement of the primary roads, authorizes the payment of such improvements to be made from Federal aid funds, motor vehicle registration fees, and from the proceeds of special assessments on benefited property, permits each county to anticipate such funds by bond issues, and allows the diversion of other existing highway funds to the construction, maintenance, and improvement of the secondary road system.

This legislation provides a means whereby more than 6000 miles of the principal highways of the State can be hard surfaced within ten or twelve years on a pay-as-you-go plan. The primary road system, comprising approximately 6278 miles of the most important highways in the State, connects every city or town of 1000 inhabitants or over. Probably 85 or 90 per cent of the population of the State lives in these towns or on this system of roads. The division of the highways into primary and secondary road systems does not interfere with the former classification of

<sup>139</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 407.

county and township roads. Doubtless the primary roads were formerly county roads. Approximately 10,382 miles of county roads are in the secondary road system under the same regulations as formerly; while the township roads constitute about 87,421 miles of the secondary system.

For the purpose of building and maintaining the primary road system a primary road fund is provided. This fund will consist of money appropriated by Congress for highway improvement and an equal amount provided by the State to be derived from motor vehicle license fees. Iowa's share of the Federal aid funds will amount to \$5,035,560.65 in 1919 and \$2,886,102.41 in 1920 — a total of \$7,921,663.06 for the biennium. It is estimated that the income from automobile fees for the two year period will be at least \$7,279,347.50. Thus the total amount available for 1919 and 1920 will be approximately \$15,000,000 — the price paid by the United States for the Louisiana Purchase in 1803. The primary road fund will be apportioned among the several counties in the ratio that the area of the county bears to the area of the State. It may be used for grading, draining, oiling, graveling, hard surfacing, and maintenance of the primary road system. None of the money is available, however, until a county applies for it, and application must be made before July 1, 1920, or the money will be apportioned among the counties that do apply. After July 1, 1920, the cost of maintenance of the primary system must be paid out of the primary road fund.

There are three options in expending county allotments: grading and drainage of the primary system may be completed before hard surfacing is begun; portions may be hard surfaced and other portions graded and drained; or hard surfacing may be hastened by bond issue. Before any hard surfacing can be undertaken the voters must sanction that policy of road improvement at an election. If the

proposition is voted down, it cannot be submitted again for two years. Graveling is not considered hard surfacing, and the Federal authorities will not approve of gravel roads on main thoroughfares like the Lincoln Highway. The question of issuing bonds to proceed with the hard surfacing faster than by annual allotments must be approved by the voters in the county, but the board of supervisors may anticipate allotments for two years without an election by issuing certificates on the estimated allotments and unpaid property assessments. The so-called "Florida plan" is another alternative by which the supervisors may let tentative contracts for hard surfacing and arrange for a bond issue to meet the expense and have their plans validated by a popular vote. Bonds are limited to \$500 and \$1000 denominations, are payable in fifteen years, and bear five per cent interest.

Seventy-five per cent of the cost of hard surfacing is paid out of the primary road fund and twenty-five per cent from the proceeds of assessments against benefited property. The benefited property must lie within a zone a mile and a half wide on each side of the road; and assessments, apportioned according to the benefit conferred, may in no instance exceed four per cent of the market value of the property. The assessment may be paid in cash or ten annual installments. Towns, but not cities, may be included in the paving district, and town property is assessed the same as rural property.

All former county road funds and township road funds are now available for the maintenance and improvement of the secondary road system. The township road tax levy was materially increased, the mileage of the county road system reduced about one-third, and the county road tax increased in scope so that considerable more money will be available than in the past. It may be used for grading,

drainage, graveling, oiling, or for other suitable surfacing. The approval of the voters is not required for improving the secondary road system. On the county road system seventy-five per cent of the cost of oiling, graveling, or paving is paid from the county road fund, and twenty-five per cent from assessments on benefited land; while on the township road system fifty per cent of such cost is paid from the township road fund, twenty-five per cent from the county road fund, and twenty-five per cent from assessments. A township road so improved may become part of the county road system.<sup>140</sup>

Another highway paving law which applies to the city of Des Moines and Polk County provides that in all counties in which there is a permanent Federal or State institution within five miles of the county seat, and where between these two points there is a main traveled thoroughfare through another city or town, such counties, cities, or towns may pave the highway by joint action.<sup>141</sup> This act was passed for the purpose of enabling Des Moines, Polk County, and Fort Des Moines to combine in paving the road between Des Moines and Fort Des Moines.

Whenever a highway that extends through property owned by the State under the control of the Board of Education or Board of Control, is improved, drained, oiled, or paved, the State is subject to a proportional share of the benefited property assessment and one-half of seventy-five per cent of the cost of the improvement in addition. In other words the State pays the same benefit assessments as private property and shares the remainder of the cost equally with the county.<sup>142</sup>

To prevent the obstruction of highway improvement on

<sup>140</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 237.

<sup>141</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 315.

<sup>142</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 400.

account of the disagreement of county authorities over improvements on roads upon or across county lines the State Highway Commission is authorized to decide the controversy, and their decision is binding on the counties.<sup>143</sup>

Two laws were enacted by the Thirty-eighth General Assembly relating to bridges. Counties which have a bonded indebtedness of \$10,000 or over may levy a seven instead of a five mill bridge tax.<sup>144</sup> The statute providing for the appropriation of money for county bridges was repealed and rewritten. Formerly counties with a population between 10,000 and 15,000 could appropriate as much as \$15,000 for a bridge within the county or across an unnavigable river between two counties or between a county and another State; while counties whose population exceeded 15,000 could appropriate \$25,000 for such a bridge within the county, but no more than \$15,000 if the bridge was between counties.<sup>145</sup> Now the increased cost of materials makes it necessary to allow counties with a population less than 15,000 to appropriate \$25,000 for a bridge within the county and \$15,000 for a bridge between counties; while in counties with a population exceeding 15,000 the sum of \$35,000 may be appropriated for a bridge within the county and \$20,000 for one between counties. The reference to unnavigable streams is not included in the new law.<sup>146</sup>

The township road dragging tax, which has been one mill, was increased to two mills, but the extra mill levy is optional.<sup>147</sup>

An ambiguity in the law relating to weed cutting was cleared up. It appeared that the township trustees were

<sup>143</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 320.

<sup>144</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 355.

<sup>145</sup> *Code of Iowa*, 1897, Sec. 424.

<sup>146</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 336.

<sup>147</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 242.



responsible for weed cutting on all highways. An amendment makes the trustees responsible for this work only on the township roads, while the county supervisors are to have charge of weed cutting on the roads over which they have jurisdiction.<sup>148</sup>

The rebate of one-fourth of the annual road taxes, but not over five dollars a year, allowed to any person using wide tire wagons, was repealed.<sup>149</sup>

#### MOTOR VEHICLES

The Thirty-eighth General Assembly repealed the law relating to the licensing and regulation of motor vehicles and substituted a new statute that fills twenty-three pages of the session laws and becomes effective on December 1, 1919. Under the new legislation the requirement that all motor vehicles be registered and numbered remains in force, but the method of registration and the amount of the license fee are materially changed. While general supervision of registration is retained by the Secretary of State, the county treasurers are made responsible for the actual registration and the issuance of number plates. Applications for registration accompanied by the license fee must be filed with the treasurer of the county in which the owner of the vehicle resides. As many number plates are supplied each county treasurer by the automobile department before December 1st as licenses have been issued that year. Certificates of registration and a container to be kept in the vehicle are also issued to the owner. Registrations expire on the last day of the year and must be renewed by the first day of January.

All fees collected must be transmitted to the office of the Secretary of State by the fifteenth of each month. Ninety-

<sup>148</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 194.

<sup>149</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 118.

four per cent of all motor vehicle license fees are to be apportioned to the several counties in the ratio that the area of the county bears to the area of the State. Two and one-half per cent goes to the maintenance of the State Highway Commission, and the remaining three and one-half per cent will be used to defray the expenses of the office of Secretary of State in the administration of the law.

The amount of, and the basis of determining the license fee is entirely changed. The fees under the old law were based on the amount of motive power or type of vehicle; now the fees will be based on the value and weight of the vehicle, except motorcycles for which there is a flat rate of five dollars in place of three dollars. The day has passed when the owner of a \$6000 Pierce Arrow "queen of the highway" can ride for a fee of only a few dollars more than the owner of a three year old Ford. Under the new law the license fee for a Ford is \$12, while that of a Pierce-Arrow touring car is \$82.40. The rate for pleasure cars is one per cent of the factory selling price and forty cents per hundred pounds of weight. The fee for motor trucks and trailers depends upon capacity and kind of tires, varying from \$15 to \$175 for trucks and from \$10 to \$70 for trailers. Moreover, license fees must be paid promptly. A one dollar penalty is added for each month over time and in May a delinquent list will be published which will add another fifty cents to the penalty. Fifteen days later the list will be turned over to the sheriff who is allowed two dollars for each fee collected and if the owner refuses to pay, the sheriff may take the car and charge one dollar a day for his trouble while keeping it. To aid identification of delinquents the color of number plates will change every year. In case an automobile is sold second hand both the owner and purchaser must apply for transfer, and the sale is not complete until a new registration has been issued.

The registration fee is in lieu of all other taxes. To alter the serial number or the number of the certificate of registration of a car is a penitentiary offense, while the improper display or alteration of number plates is a misdemeanor.

The new law prescribes the customary regulations as to the operation of automobiles on the highways with respect to good brakes, horns, and mufflers. Lights must not be over thirty-two candle power and must be so placed that direct beams, if not diffused, can not rise above forty-two inches at seventy-five feet in front of the car. Spot lights are permissible but must not be directed to the left of the center of the highway.

Other safeguards of the public safety require the licensing of chauffeurs, who must be over eighteen years of age. The term chauffeur, however, does not apply to employees engaged in operating motor trucks in mercantile and agricultural enterprises.<sup>150</sup> No person under fifteen years of age may operate a car unless accompanied by a mature person. There are severe penalties for the person who drives a car while in a state of intoxication.

Speed regulations depend upon the weight and type of tires, thirty miles an hour being the limit for pneumatic tired vehicles under three tons in weight — which includes most passenger automobiles. The limit for over six ton trucks with hard rubber tires is twelve miles an hour; while trailers with metal tires may not travel faster than ten miles an hour. Between these limits there is a sliding scale; but it should be observed that State speed regulations do not supersede municipal rules. Heavy tractors with cleats on the wheels are barred from paved or graveled roads, and the lighter machines must have two cleats in contact with the surface at all times.

Garage rules prescribe that a record must be kept of all

<sup>150</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 370.

cars stored, including the engine number, the serial number, the name of the person leaving the car, and the name of the owner of the car.<sup>151</sup>

When the motor vehicle department was transferred to the State Treasurer he was authorized to "use his best judgment and discretion" in making a settlement of delinquent automobile license fees and to employ sufficient assistance to systematize and expedite the work of the motor vehicle department.<sup>152</sup>

#### SCHOOL LEGISLATION

The laws relating to schools in Iowa have reached a state of complexity that is exceedingly baffling to the citizen in quest of information, while experienced teachers and school officials find the statutes scarcely less confusing. Much of the school legislation enacted in 1919 was new and constructive in character, but there were not a few measures passed principally for the purpose of clarifying the law.

*School Boards.*—The organization of the county board of education, whose function it is to administer the law in regard to uniformity of text books, was completely changed. Whereas the board formerly consisted of the county superintendent, the county auditor, and the county supervisors, it is now composed of six "reputable citizens of the county, of good educational qualifications" and the county superintendent. These citizens are elected at the convention of school board presidents for a term of six years. The first election occurred on April 7, 1919. The qualifications, in addition to those mentioned above, are United States citizenship, an age of twenty-one years, and residence in the State six months and in the county sixty days. Members

<sup>151</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 275.

<sup>152</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 412.

may be of either sex, and there shall not be more than one from each school corporation. They serve without pay, but are reimbursed for necessary expenses. In addition to their duties in regard to uniform text books, the new county board of education will act as an advisory council to the superintendent and coöperate with him in planning the advancement and welfare of the schools.<sup>153</sup>

The statute providing for the filling of vacancies on the board of school directors was amended to meet the contingency of there being no board of directors elected or qualified. In that case the county superintendent is empowered to appoint a board of directors.<sup>154</sup> This act was designed to meet a particular circumstance where the people had voted in favor of establishing a consolidated school district. When the directors were elected the entire board was opposed to consolidation and refused to qualify or serve. The only legal way of solving the difficulty was through additional legislation. There may never be another emergency for the use of the statute, but the procedure is established if a case should arise.

*Teachers.*—An amendment was made to the law relative to the powers of the board of educational examiners. State certificates may be issued hereafter without examination to persons “possessing satisfactory qualifications by reason of training and teaching experience of not less than fifteen years”. The purpose of this act is doubtless to prevent the new requirements from working a hardship to teachers who have been engaged in the vocation for a long time.<sup>155</sup>

Since 1915 applicants for teachers’ certificates, except college graduates, have been required to prove that they

<sup>153</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 56.

<sup>154</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 201.

<sup>155</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 241.

have had twelve weeks of normal training; but that requirement did not constitute a bar to any who had had six months of successful teaching experience. Moreover, if sufficient teachers could not be secured who fulfilled the normal training requirements, provisional certificates could be issued regardless of the normal training qualifications and regardless of the regular procedure of issuing provisional certificates based on special examinations. The legislation of 1919, however, provides that the six months' experience can not be obtained on a provisional certificate, and repeals the clause which allows the irregular issue of provisional certificates as above described. Moreover, in the case that sufficient licensed teachers can not be secured in a county and provisional certificates are issued by the board of examiners, such provisional certificates are valid only for the balance of the school year in which they are issued.<sup>156</sup> The purpose of the act is to remove as far as possible the opportunity for county superintendents to secure provisional certificates for favorites year after year.

The statute providing for the normal training requirement was further amended by adding that the certificate from the institution where the normal training was received must bear a list of the subjects taken and the standing in each. Examinations in all subjects except didactics may be taken before or after the term of normal training. In the case of graduates who have taken normal training in four year course accredited high schools, grades in didactics in college will be accepted in lieu of an examination in that branch.<sup>157</sup>

The State Teachers College, the State University, and the College of Agriculture have experienced some difficulty in obtaining facilities for teaching practice for students.

<sup>156</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 408.

<sup>157</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 156.

A new law permits school directors to contract with the State Board of Education for furnishing instruction and for training teachers. Such contracts shall be in writing and for a period not longer than two years.<sup>158</sup>

The teachers' minimum wage law was completely re-written in an effort to make the salaries of public school teachers more nearly adequate. Under the new law the least that a college graduate with a State certificate may be paid is \$100 a month, but after two years of experience the minimum is \$120. Teachers who have completed a two-year course in education in a normal school and hold a State certificate must be paid \$80 a month, and after two years' experience \$100. Teachers without one year's teaching experience, who have completed a normal course in a normal training high school, are entitled to \$65 a month. Such teachers with a year of experience, and teachers holding a first grade uniform county certificate, must have \$75 a month until they have taught two years when the minimum becomes \$80. Those who hold second grade county certificates will receive a \$60 or \$65 minimum according to experience, while for those with third grade county certificates the least that can be paid is \$50 a month.<sup>159</sup>

It has happened too frequently that teachers, having contracted to teach in one school, have received a better offer elsewhere and have entered into another contract to teach at the second place, thus leaving the first school without a teacher. To protect school boards in the employment of teachers a law was enacted which declares that contracts with teachers who are already under contract are invalid until the "former contract shall have been released or cancelled".<sup>160</sup>

<sup>158</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 187.

<sup>159</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 351.

<sup>160</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 310.

*Curriculum.*—The intense antipathy toward hyphenated Americanism and anything German during the war was the cause of several acts of the Thirty-eighth General Assembly, for none of which the responsibility can be more directly traced than the law establishing English as the medium of instruction in all secular subjects taught in all public and private schools of the State. This law, however, does not prohibit the teaching of foreign languages above the eighth grade. Violation of the act is a misdemeanor.<sup>161</sup>

Another statute provides for the teaching of American citizenship in all public and private primary and secondary schools in the State. Under its provisions the Superintendent of Public Instruction is required to prepare and distribute an outline for the study of American citizenship in the first eight grades, and for American history, civics, and social problems and economics in secondary schools.<sup>162</sup>

The original bill along this line was much wider in scope and more exacting in its provisions. For example, a committee of professors from the departments of political science, sociology, and economics of one or more of the State institutions of higher learning were to have prepared the outline for the study of citizenship in secondary schools. Moreover, institutions of higher learning which train high school teachers were to have been required to offer at least five semester hours of credit in civic instruction and civic practice, normal training high schools and institutions which prepare elementary school teachers to offer one-half unit of such work, while colleges and universities were to have been required to offer five semester hours of work in American government and citizenship. Freshman students attending a State supported institution of higher learning were to be required to take not less than five semester hours of work in American government. After July 1, 1920, no

<sup>161</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 198.

<sup>162</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 406.



teacher was to receive a certificate who had not satisfactorily completed the prescribed training. Before action was taken, however, the author of the bill presented a substitute making material alterations in his own bill. The substitute passed the House but later was still further modified.<sup>163</sup>

Early in the session a bill was introduced in the Senate with a view to excluding aliens from employment as teachers in the public schools and State educational institutions. When the bill was under consideration an effort was made to except aliens from certain countries, but such amendments failed and the measure passed the Senate by a vote of twenty-nine to fifteen. Later the vote was reconsidered and the bill amended to permit the employment of alien teachers in the State institutions, provided their country was not engaged in war against the United States or allied powers during the years from 1914 to 1918. The House adopted the report of the Committee on Judiciary recommending the passage of the bill, but on the final consideration it failed to pass the House by one vote.<sup>164</sup>

As a result of the higher wages paid to teachers and the increase in the number of high schools receiving State aid for normal training, the annual appropriation for such State aid was raised by the Thirty-eighth General Assembly from \$125,000 to \$150,000.<sup>165</sup>

The sum of \$2000 is appropriated to provide State aid to schools in cities having a population of more than 20,000 which provide for practical training in agriculture, nature study, and other wholesome employment for children during the summer. Under the provisions of the statute the work must be conducted over a period of three years with classes of at least fifty pupils, and an exhibit must be made

<sup>163</sup> House File No. 85. See also *House Journal*, 1919, p. 523.

<sup>164</sup> *Senate Journal*, 1919, pp. 723-726, 820; *House Journal*, 1919, p. 1463.

<sup>165</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 230.

showing successful experience before the money is available.<sup>166</sup>

Another act grants State aid to schools that receive Federal funds for vocational education. As originally provided in 1917 the local community was required to raise an amount equal to that expended by the Federal government. Now the State will meet that expense, and the biennial appropriation will be based on the estimates of the State Board of Vocational Education for the succeeding two years. If the Federal and State funds are not sufficient they will be distributed pro rata. The Thirty-eighth General Assembly appropriated for this purpose \$40,000 for the year ending June 30, 1920, and \$50,000 for the year ending June 30, 1921.<sup>167</sup>

The original act which provided for the acceptance of Federal aid for vocational training established a State Board of Vocational Education and appropriated \$2500 a year to cover their actual expenses. This amount proved to be entirely inadequate, and so an additional amount of \$2050 was appropriated to pay the expenses incurred between March 1 and June 30, 1919. Furthermore, the regular annual appropriation was increased to \$9000.<sup>168</sup>

An attempt was made to bring the child labor law and the compulsory school attendance legislation more into harmony. Heretofore all children under sixteen years of age (except those over fourteen who held work certificates, or were employed in a store where less than eight people were employed, or worked in establishments or occupations owned or operated by their parents, or who had an eighth grade education or its equivalent) were required to go to school. For the benefit of the children between the ages

<sup>166</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 354.

<sup>167</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 337.

<sup>168</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 81, 337.

of fourteen and sixteen who are allowed to work instead of attend school or who have an eighth grade education and are not engaged in a useful occupation, the legislation of 1919 authorizes the establishment of part-time schools in which may be taught "any subject given to enlarge the civic or vocational intelligence" of the pupils. There must be not less than eight hours of instruction a week between the hours of eight A. M. and six P. M. during the school year. Part-time school standards will be prescribed by the State Board of Vocational Education. Such schools must be established when there are fifteen eligible pupils in the district, and the attendance of such pupils is compulsory.<sup>169</sup>

*School Finance.*—The Thirty-seventh General Assembly simplified the school fund system by making the school building bond fund a part of the school house fund, while the contingent fund and the teachers fund were combined to form the general fund. The per capita estimates for the teachers fund and the contingent fund were consequently combined to make not more than \$40 per pupil for the new general fund. The maximum combined total, however, was increased from \$345 to \$525.<sup>170</sup> The Thirty-eighth General Assembly increased the amount that a school board may estimate as necessary to be raised by taxation for the general fund from \$40 to \$60 for each person of school age in a district, and the maximum total from \$525 to \$650.<sup>171</sup>

The amount of taxation per person of school age that the board of directors in a consolidated school district may levy for the general fund was increased from \$50 to \$65, and where an approved high school course is maintained the limit of levy was raised from \$60 to \$80.<sup>172</sup>

<sup>169</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 94, 139.

<sup>170</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 386.

<sup>171</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 77.

<sup>172</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 116.

The basis of determining the amount of money available for books and other supplies is changed. Instead of \$25 being allowed for each school room, \$200 may be spent for such purposes in each school building.<sup>173</sup>

A school corporation which does not offer a four year high school course must pay the tuition of any person of school age who is admitted to any public high school in the State. The Thirty-eighth General Assembly increased such a tuition fee from five dollars a month — or seven dollars a month in districts where there is a city of the first class — to eight dollars a month in all high schools regardless of their location.<sup>174</sup>

*School House Sites and Grounds.*— The power granted to independent school districts in cities and consolidated independent districts to incur indebtedness for school buildings and sites is extended to apply to district school townships and all independent school districts outside of cities and towns. Moreover, such indebtedness may be incurred for building and furnishing a gymnasium, a teachers' or superintendent's home, or an addition to a school house.<sup>175</sup> Frequently it is desirable to make substantial additions to present school houses rather than to erect a new building, and in some localities, especially in consolidated school districts not located in a town, it has been found advisable to build a dwelling for the teachers or superintendent.

The statute on the reversion of school sites in case of nonuser for school purposes continuously for two years was rewritten to meet new conditions brought about by the establishment of consolidated districts and for the purpose of clarification. Such real estate still reverts to the owner

<sup>173</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 345.

<sup>174</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 72.

<sup>175</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 314.

of the tract from which it was taken, but instead of paying the purchase price with interest the owner must now pay the market value. If the owner refuses to accept the property at its appraised value it may be sold to any other person. The new law specifically states that the site and improvements may be sold separately, and that its provisions do not apply to schools temporarily closed on account of small attendance. School houses and sites no longer necessary in consolidated districts may be sold immediately after the organization of the consolidated district.<sup>176</sup>

Cities of the first class and special charter cities are now given the special privilege of levying a four mill tax or less for the purchase of school sites. The law is made more definite in another respect by this same chapter which especially mentions special charter cities along with cities, towns, or villages in which a school site may contain two blocks "or area equal thereto"—the quoted words also being added by the Thirty-eighth General Assembly.<sup>177</sup>

*Consolidated Schools.*—Most of the statute prescribing the procedure in the establishment of consolidated schools was rewritten. In the new law, along with some fundamental changes, the procedure is described in clearer language. The petition asking for a consolidated district must now be accompanied by an affidavit showing the number of qualified voters in the proposed district. If there is no newspaper published in the district, notice of hearings of objections may be published in any newspaper of general circulation in the district—not necessarily the official county papers. Objections may be filed not only by residents or land owners but by any persons who would be injuriously affected. Ten days instead of five are allowed

<sup>176</sup> *Acts of the Thirty-eighth General Assembly, Ch. 342.*

<sup>177</sup> *Acts of the Thirty-eighth General Assembly, Ch. 125.*

in which persons aggrieved at the decision of the county superintendent in fixing boundaries may appeal to the county board of education; and that board is given five days instead of three to render a decision on the appeal.

It is now the duty of the county superintendent rather than the board of directors to call the special elections on the question of establishing the consolidated district and for the election of the new board of directors. Formerly when a city, town, or village, with a population exceeding 100, was included, the voters in the country and the municipality voted separately; but now they do not vote separately unless the population of such a village or town exceeds 200.

In regard to fixing the boundary lines the county board of education, under the revised statute, is empowered to fix boundary lines that do not conform to those of school districts already established if, on account of meandering streams, irregular boundaries, or the location of highways, the welfare of the consolidated district may be better served thereby.<sup>178</sup>

The enactment of this law proved confusing in cases where consolidated school districts were in the process of formation according to the provisions of the former law. Consequently, the Assembly, later in the session, amended its own enactment by the addition of another section explaining that where the formation of consolidated districts was already under way it should be completed according to the old process. Where the organization had been completed under the old law the action was legalized.<sup>179</sup>

When the boundary lines of contiguous school corporations are changed the law now specifically provides that new boards of directors need not be elected — the boards

<sup>178</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 149.

<sup>179</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 277.

then in office making the necessary financial adjustments. In case contiguous districts are consolidated to form one district, the board of directors of the district having the largest population continues as the board of the new district until their terms expire.<sup>180</sup>

The annual appropriation for State aid to consolidated schools is increased from \$100,000 to \$150,000.<sup>181</sup>

*Miscellaneous School Legislation.*— School boards have been competent to issue bonds when authorized so to do by the majority of the electors voting at a special bond-issue election. By the legislation of 1919 the word electors is changed to “qualified voters” in order to include women. It is also provided that in all cases where such an election has been held, and where a majority of the votes cast, regardless of the sex of the voters, is favorable to the issuance of bonds, such election is sufficient authorization for the bonds, and the bonds are legal and valid.<sup>182</sup>

The school age in Iowa is from five years to twenty-one, and schools are free of tuition for residents between those ages. It was enacted by the Thirty-eighth General Assembly that schools shall be free of tuition to resident honorably discharged soldiers, sailors, and marines as many months after becoming twenty-one as they have spent in the military service of the United States before reaching that age.<sup>183</sup>

The common school term was lengthened from twenty-four to thirty-two weeks each year.<sup>184</sup>

With a view to relieving the situation as to school facilities in coal mining camps, fifty thousand dollars was appro-

<sup>180</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 113.

<sup>181</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 291.

<sup>182</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 134.

<sup>183</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 160.

<sup>184</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 24.

priated to be used by the Superintendent of Public Instruction during the next biennium.<sup>185</sup> It is asserted that the schools are what they should be in only about ten out of the fifty-six camps in the State. This condition is due to lack of money, owing to the small amount of taxable property in such camps.<sup>186</sup>

An annual appropriation of \$100,000 was made to aid and promote the standardization of rural schools. The Superintendent of Public Instruction is required to prescribe minimum requirements for standard schools as to teaching, general equipment, heating and ventilation, lighting, seating, water supply, library, care of grounds, safety against fire, and the like. To rural districts maintaining one or more such standard schools, State aid will be given to the amount of six dollars for each pupil in attendance at least six months of the previous year. In order that a school may be considered standard it is required that there shall be an average daily attendance of at least ten pupils, and the teacher must have a first grade uniform county certificate or its equivalent and must have contracted to teach for a year.<sup>187</sup>

When the average attendance at any school is less than five pupils the school shall be closed, unless it can be shown that the number of children of school age has so increased that ten or more will be enrolled, that there are natural obstacles to the transportation of pupils to another district, or that other conditions obtain making it clearly inadvisable that such schools should be closed. Provision is made that when such schools are closed, the board must send the children to school in another district. This act also takes from the county superintendent the power to authorize the

<sup>185</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 373.

<sup>186</sup> *The Des Moines Register*, September 4, 1919, p. 12.

<sup>187</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 364.



board in any school district to shorten the annual school term to less than thirty-two weeks even in special cases.<sup>188</sup>

#### CHILD WELFARE LEGISLATION

The power of the juvenile courts to commit a delinquent child to the care or custody of a probation officer, either in its own home or in the home of a suitable family, is extended to include dependent and neglected children as well. Only delinquent children, however, may be committed to the training schools.<sup>189</sup>

By chapter 12 of the *Acts of the Thirty-eighth General Assembly*, no juvenile court can commit a child under ten years of age to the Training School for Boys or the Training School for Girls, but such a court may commit them to the Soldiers' Orphans' Home at Davenport.<sup>190</sup>

District courts in counties with over 35,000 population may designate not over four probation officers, each to be paid not over \$125 per month. Formerly this was permitted only in counties of more than 50,000 and the compensation could not exceed \$75 per month.<sup>191</sup>

School boards in school districts containing one thousand or more inhabitants are now empowered to establish and maintain dental clinics for the school children of the district, and offer courses of instruction on mouth hygiene. Such legally qualified dentists and dental hygienists as are necessary may be employed and paid out of the general fund.<sup>192</sup>

An amendment to the child labor law, which is in reality a part of the part-time school statute enacted as chapter

<sup>188</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 143.

<sup>189</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 246.

<sup>190</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 12.

<sup>191</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 41.

<sup>192</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 91.

94 of the *Acts of the Thirty-eighth General Assembly*, provides that "whenever in any organized school district there shall have been established a part-time school, department or class, no person under sixteen years of age shall be employed for more than forty hours in any one week". This was inserted in the law which provides for a forty-eight hour week as a maximum for persons under sixteen. The additional eight hours per week must be spent in the part-time school. Violation of this act constitutes a misdemeanor punishable by a maximum fine of \$100 or jail imprisonment for thirty days.<sup>193</sup>

#### PARKS AND PLAYGROUNDS

The time in which certain cities may continue to levy an additional yearly tax of one mill for grading, beautifying, and otherwise improving lands acquired for park purposes was extended to 1924. The proceeds from this tax may also be used for the improvement of other lands owned and used for park purposes which were not purchased by funds derived from a special tax for that purpose.<sup>194</sup>

This enactment, however, was made obsolete by a later chapter, which rewrites the Code section on the subject. Herein additional funds for park purposes are provided, and regulations are included as to borrowing money and issuing bonds. Special charter cities and cities under the commission form of government are specifically brought within the purview of the act. Emphasis is placed on "permanent improvement". A new section provides that in cities of 25,000 inhabitants, the board of public works may submit to the electors of the city voting at a city or special election, called for that purpose, the question of an additional levy of five mills for park purposes, for a term

<sup>193</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 139.

<sup>194</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 46.

not exceeding thirty years.<sup>195</sup> A similar act extends the time during which Council Bluffs may continue to levy an additional yearly tax of one mill for improving the meandered lake within the city.<sup>196</sup>

Still another act allows all cities having a population of 85,000 or more to levy, in addition to all present park taxes, an additional tax of not to exceed one-half mill on the dollar on all taxable property in the city "to be used for the sole and only purpose of purchasing and paying for real estate to be used for park, art and memorial purposes".<sup>197</sup>

Special charter cities may now provide juvenile playgrounds. Prior to 1919 they were not specifically included in such authorization.<sup>198</sup>

The act of the Thirty-seventh General Assembly which relates to the establishment of State parks was amended by substituting "board of conservation" for "fish and game warden" and "public state parks fund" for "fish and game protection fund". Supervision is now by the Board of Conservation. The amount of the appropriation was changed from \$50,000 out of the fish and game protection fund to any portion of the fish and game protection fund which is, in the judgment of the Executive Council, unnecessary for the support and maintenance of the fish and game department, and in addition \$100,000 out of any monies in the State treasury not otherwise appropriated. The combined appropriation constitutes the public State parks fund.<sup>199</sup>

Chapter 51 of the *Acts of the Thirty-seventh General Assembly* was amended to allow cities which already own

<sup>195</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 312.

<sup>196</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 58.

<sup>197</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 168.

<sup>198</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 222.

<sup>199</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 368.

and maintain buildings and grounds suitable for community center activities to establish community centers as such by resolution of the city council, without submission of the question to the electors.<sup>200</sup>

#### PUBLIC HEALTH LEGISLATION

Spanish influenza is made a quarantinable disease by the Thirty-eighth General Assembly. It is also enacted that any other contagious or infectious disease may be declared quarantinable at the discretion of the State Board of Health.<sup>201</sup> Provision is made for a temporary quarantine placard to be used when the type of disease is not immediately determined or diagnosed. The form and language for this temporary warning sign is prescribed in the act. Temporary quarantine of this kind is for twenty-four hours only.<sup>202</sup>

The law relating to the treatment of tuberculosis and the duties of county supervisors in that connection was rewritten and made more explicit. Supervisors may now arrange for the treatment of indigent patients afflicted with this malady in any institution in the State maintained for the treatment thereof, or in a county public hospital or any other hospital not maintained for pecuniary profit. If such an institution is within the county, the supervisors may provide suitable buildings for the segregation of tuberculosis cases. One of the outstanding features of the law is the provision prohibiting hospitalization of tuberculosis patients at any county home in the State.<sup>203</sup>

Several other amendments were made to the law relating to the department for tuberculous persons at county hos-

<sup>200</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 184.

<sup>201</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 80.

<sup>202</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 397.

<sup>203</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 341.

pitals. It is made a mandatory duty of the board of supervisors to appoint a board of seven trustees for a public hospital as soon as such hospital has been authorized by vote. County public hospitals may now, if deemed advisable, be operated exclusively as tuberculosis sanatoriums, or they may contain a department where tuberculosis cases may be segregated. A building may also be established for the isolation or detention of persons afflicted with contagious diseases. Stringent regulations were added to the law, making it possible to deal summarily with careless or malicious patients who violate regulations and refuse to follow the rules of sanitation. County public hospitals operating under this act may use any appropriate "title" or "appellation" desired.<sup>204</sup>

The law relating to venereal diseases was extensively amended and rewritten in a comprehensive act of six pages. Chancroid was added to syphilis and gonorrhea as being an infectious, contagious, and communicable disease, dangerous to the public health.

Physicians or others who treat venereal diseases, as well as druggists who sell drugs for their cure, must keep records of such treatment or sale and make reports to the local board of health. Each person treated must be given a copy of the act, and also a circular of information and advice concerning venereal diseases.

Health officers are empowered to examine persons suspected of having venereal disease, and to isolate or quarantine them when necessary to the public health. Indeed, county supervisors may erect detention hospitals for the care of venereals, and a special tax of not over two mills on the dollar in any one year, for a period of fifty years, is authorized for this purpose, with the privilege of bond issue to anticipate the tax. Persons other than prostitutes

<sup>204</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 398.

who agree to abide by regulations of the health officer may be released from quarantine upon bond.

Transmission of any of these diseases is made a misdemeanor, and the offender is subject also to a civil suit for damages. Violations of the act and neglect or refusal to obey orders of the health boards are punishable offenses. The act also contemplates the suppression of prostitution, and health officers are prohibited from issuing certificates or other evidence of freedom from venereal diseases. Fifteen thousand dollars annually for two years is appropriated to carry out the provisions of the act.<sup>205</sup>

The health physician is now a member of the local board of health in cities and towns.<sup>206</sup> This officer is appointed by the mayor and should not be confused with the health officer.

County supervisors, city and town councils, and school boards are empowered to employ, independently or coöperatively, visiting or public health nurses at such periods each year and in such numbers as they may deem advisable, and to pay the expenses thereof.<sup>207</sup>

A statute which appears to have been enacted for the benefit of Dubuque County, amends the general provision of the law relative to the erection of county hospitals. Thus, when the board of supervisors in counties having a population between 55,000 and 65,000, are presented with a petition signed by 300 free-holders of the county, 200 of whom are residents of the city where it is proposed to establish a county hospital, asking for the erection of a detention or contagious disease hospital to cost not over \$40,000, they may order its erection without submitting the question to a vote of the people, and may issue fifteen year bonds at six per cent interest for such construction.<sup>208</sup>

<sup>205</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 299.

<sup>206</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 87.

<sup>207</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 290.

<sup>208</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 239.

The Thirty-eighth General Assembly revised and rewrote the law relating to imitation and impure dairy products. Cheese is defined, and provision is made for labelling "Skimmed Milk Cheese", "Imitation Evaporated Milk", and "Imitation Ice Cream". The minimum fine for violation of the act was reduced from twenty-five dollars to ten; and the length of imprisonment was made not more than thirty days, rather than not less than thirty days. The reduction of the fine was to facilitate prosecution and conviction. Juries were disposed to consider this fine too high and acquittals were the result. Milk plants, cream stations, and ice cream factories were made subject to the provisions of the law as to sanitation and reports. The necessity for this enactment became pronounced during the war period. High prices brought into the market many brands of so-called milk, usually a compound of skimmed milk and vegetable fats. Some of the manufacturers of these compound milks made a strong fight against the measure.

Provision was made for registration of the mark or brand' on milk containers and the return of these containers to their rightful owners. The dairy interests regarded this as an important feature of the bill. Protection of these registered marks or brands adopted and used by dealers in dairy products is provided.<sup>209</sup>

Still another act provides for the branding of so-called "boiled, process or renovated butter" sold in this State. Branding marks under this act, as well as under chapter 206 mentioned just above must be in the English language. A fine of from \$25 to \$50 or imprisonment up to six months in the county jail is provided for violation of this act.<sup>210</sup>

The Dairy and Food Commissioner is empowered to

<sup>209</sup> *Acts of the Thirty-eighth General Assembly, Ch. 206.*

<sup>210</sup> *Acts of the Thirty-eighth General Assembly, Ch. 127.*

make and issue standards for foods, where they are not already fixed by law. Such standards shall conform to those proclaimed by the Secretary of Agriculture of the United States. Food in package form is now deemed to be misbranded if the name of the article is not plainly stated on the outside of the package or wrapper.<sup>211</sup>

Chapter 274, providing for the regulation of traffic in eggs and the licensing of dealers, attempts to prevent fraud, misrepresentation, and the sale of eggs unfit for human food. Regulations are made for the candling of eggs, and certificates must be placed on the top layer of each case of candled eggs. No person, firm, or corporation, except those retailers who buy direct from licensees, and who do not sell in greater lots than one case, may now buy, sell, deal, or trade in eggs, without a license. The annual license fee is one dollar.<sup>212</sup>

Hotels are removed from the application of the law relative to the sanitation and interior finishing of food-producing establishments.<sup>213</sup> Inspection of hotels and the sanitation thereof, was provided for by chapter 182, which is discussed below under the caption of "Business, Trades, and Commerce".

Perhaps no measure of the Thirty-eighth General Assembly was given more thought and care than the housing law. Few, if any acts, are of more importance to the general welfare of the State than this piece of enlightened legislation. The movement, of which this act is the culmination, is of long standing. It has been advocated by the Iowa State Housing Association, endorsed by city councils in the principal Iowa cities, and fostered by the State Federation of Women's Clubs. On September 6, 1918, at the "War

<sup>211</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 284.

<sup>212</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 274.

<sup>213</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 202.



Conference on Housing" a commission was appointed by Governor W. L. Harding to draft a State housing law. Dr. Curtis W. Reese, of Des Moines, was chairman of that commission, and he was perhaps more instrumental in the preparation of the measure than anyone else. Governor Harding endorsed the legislation in his inaugural address in 1919.

The original bills, based largely upon a model housing law, were introduced by James B. Weaver in the House and Chester W. Whitmore in the Senate on the same day, as companion bills. They were referred to a joint committee composed of members of the Senate and House standing committees on cities and towns which held public hearings, redrafted the bills, and re-introduced them as committee bills. The act was approved on March 31, 1919.

This act which fills twenty-three printed pages of the session laws is a comprehensive State housing law, and as such, aims "to promote the health, safety and welfare of the people by regulating the light and ventilation, sanitation, fire protection, maintenance, alteration and improvement of dwellings; to define the classes of dwellings affected by the act, to establish administrative requirements, and to establish remedies and fix penalties for the violation thereof." <sup>214</sup>

The housing law is mandatory in all cities of 15,000 or over. Other cities and towns, however, may enact ordinances of like character. Enforcement is for the most part by health officer or board of health.

There has been considerable criticism of the act by contractors and builders — particularly of apartment houses — some of whom claim that the stringent regulations are prohibitive of such building. All apartment houses hereafter constructed must be fireproofed. This, it is claimed,

<sup>214</sup> Reese's *The Scope of a State Housing Law*, p. 1.

adds twenty-five per cent to the cost and would make rentals unreasonably high. Indeed, a contractor in one Iowa city is quoted as saying that "it is a pity that a law framed by men who know nothing of the technical problems of construction should ruin the industry." The State authorities, on the other hand, say that opposition is due to ignorance of the law or misunderstanding of its provisions.<sup>215</sup>

#### DEPENDENTS, DEFECTIVES, AND DELINQUENTS

The board of supervisors in each county is now required to publish an annual financial statement of the receipts and expenditures of the county home or county farm. Receipts are to be itemized, but expenditures may be set forth in total. The statement must also contain an inventory of the property on hand at the county home on January 1st, along with a comparison with the inventory of the year before.<sup>216</sup>

Dental attendance or services as well as medical attendance and supplies may now be provided for the poor by the county board of supervisors.<sup>217</sup>

The overseer of the poor or the board of supervisors may make objections to the continuance of an allowance made by the court to a widowed mother under the mothers' pension law, and when such objection is made the court or judge is required to hold a hearing thereon.<sup>218</sup>

The Thirty-seventh General Assembly provided that policemen entitled to a pension should, upon retirement, be allowed one-half the amount of salary they received at the time they became entitled to retirement. The amount of monthly pension was changed by the Thirty-eighth Gen-

<sup>215</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 123.

<sup>216</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 260.

<sup>217</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 225.

<sup>218</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 107.

eral Assembly to one-half the amount of salary received at the date of actual retirement.<sup>219</sup> An identical provision was made for the benefit of city firemen.<sup>220</sup>

A policeman who is appointed to the office of city marshal shall be considered as continuing to be a member of the police department and shall be entitled to have this time counted toward retirement and pension. When acting as city marshal he shall not serve as a member of the board of trustees of the policemen's pension fund in any matter in which he is individually interested.<sup>221</sup>

Estates of insane or idiotic persons who are treated or confined in any county asylum or poor-house and the estates of persons legally bound for their support have been liable to the county for the reasonable expense of the care of such persons. This liability is now extended to insane or idiotic persons in private hospitals or sanitariums, where they are often kept because county institutions are overcrowded.<sup>222</sup>

The law relating to county aid of the blind is changed so as to apply only to citizens; and the amount of such aid is changed from a flat rate of \$150 per annum and made not less than \$100 and not more than \$300 per annum, at the discretion of the board of supervisors.<sup>223</sup>

Counties of 40,000 inhabitants instead of 50,000, as formerly, are now required to provide and maintain a detention home and school for dependent, neglected, and delinquent children, outside the enclosure of any jail or police station.<sup>224</sup>

<sup>219</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 45.

<sup>220</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 19.

<sup>221</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 344.

<sup>222</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 309.

<sup>223</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 200.

<sup>224</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 389.

One of the important acts passed by the Thirty-eighth General Assembly extends the benefits of the so-called "Perkins Law" to indigent adults, who may now receive treatment in the University Hospital at Iowa City the same as do crippled children. Methods of securing admission, provision for transfer to and from the hospital, fees for the examining physicians, and all necessary regulations are prescribed in the law.<sup>225</sup>

The law relating to the compulsory education of deaf and blind children was rewritten with certain amendments. As now worded the statute applies to children between the ages of seven and nineteen, instead of twelve and nineteen as formerly. The fine for failure to comply with the law—assessable against parents, guardians, or employers, or anyone else who attempts to induce such children to remain away from school—is increased from twenty-five dollars to one hundred dollars and from eight days in the county jail to thirty days. Authority is given the State Board of Education to employ an agent to aid in the enforcement of these provisions, for which the necessary funds are appropriated. This act repeals sections 2718-c, 2718-d, 2718-e, and 2718-f, of the *Supplement to the Code of Iowa, 1913*.<sup>226</sup>

The Thirty-eighth General Assembly enacted a very comprehensive law relating to the care and detention of feeble-minded persons. This act covers nine pages of the session laws, and is undoubtedly an excellent statute, but it does not seem to fit well into the Iowa law and the Iowa system of caring for the feeble-minded. For example, the act provides for the commitment of such persons to private institutions licensed by the State; but the State makes no provision for licensing private institutions for the care of the feeble-minded.

<sup>225</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 78.

<sup>226</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 120.

A "feeble-minded person" as the term is used in this act is "any person afflicted with mental defectiveness from birth or from any early age, so pronounced that he is incapable of managing himself and his affairs, or of being taught to do so, and requires supervision, control and care for his own welfare, or for the welfare of others, or for the welfare of the community," and who is not classifiable as an "insane person" within the meaning of the statutes.

Any reputable citizen may secure permission to file a petition for any such person to be brought into court for a hearing on the petition. The person shall be examined by a commission appointed by the court, and, if he is found feeble-minded as defined in the act, the court may appoint a suitable person to be his guardian, or direct that he be sent to a private institution, licensed by the State, or to a public institution for the feeble-minded. Provision is made for discharge from any such institution when the circumstances warrant it.

The Institution for Feeble-minded in Iowa was established as a school rather than a detention home, and while the age of admission had been raised to forty-six, and the institution had become in part custodial, it still retained its character as a school. The new legislation is the result of an attempt to secure more complete segregation of the feeble-minded by providing for their detention, and is thus not directly in line with existing Iowa law. There is not room at Glenwood for the housing of the feeble-minded who may be sent there under this act. Indeed, the act recognizes this condition, and provides for a waiting list.<sup>227</sup>

#### LABOR LEGISLATION

Chapter 213 declares that labor is not "a commodity or article of commerce". Indeed, the law making it unlawful

<sup>227</sup> *Acts of the Thirty-eighth General Assembly, Ch. 356.*

for persons, corporations, or other associations to form a combination for the fixing of prices, dividing the profits, preventing full and free competition, or restraining trade is amended by this chapter through a proviso which declares that it shall not be unlawful "for men and women to organize themselves into or carry on unions for the purpose, by lawful means of lessening the hours of labor or increasing the wages, or bettering the condition of the members of such organizations; or lawfully carrying out their legitimate purposes".<sup>228</sup>

Since the passage of the Iowa workmen's compensation act in 1913 that legislation has been subject to extensive amendment. Several sections were amended and two added to the law by the legislation of 1919 — all for the benefit of the workmen. The basis of compensation for injury under the act was, in most instances, fifty per cent of the average weekly wage. This is now increased to sixty per cent. Surgical, medical, and hospital services at the time of the injury and for four weeks of incapacity — to be paid by the employer — may now amount to \$200 in special cases, instead of \$100 as formerly. Compensation to dependents in case of death resulting from injury is also increased.

The loss of two-thirds of that part of an arm between the shoulder joint and the elbow joint constitutes the loss of an arm under the provisions of the new statute; and compensation for this injury is sixty per cent of the daily wages for 225 weeks instead of fifty per cent for 200 weeks as formerly. A similar definition is made in case of the loss of a leg, with a similar increase in compensation. Another paragraph fixes the compensation for the loss of a second or last eye as double that for the loss of the first eye. A technical change in the wording of the section

<sup>228</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 213.

which relates to the basis for compensation in part-time industries makes no change in the effect of the law. Another addition to the law provides that when the injury occurs outside of the State, the hearings of the arbitration committee shall be held in the county seat of this State nearest the place of the injury, unless the interested parties and the Iowa Industrial Commissioner agree by written stipulation that they may be held at some other place.<sup>229</sup>

#### LIQUOR LEGISLATION

On the second day of the session Senate Joint Resolution No. 1, providing for the ratification of a proposed amendment to the Federal Constitution making the entire nation "dry", was introduced by Senator Whitmore. This resolution was approved on January 27, 1919, and became chapter 2 of the *Acts of the Thirty-eighth General Assembly*.<sup>230</sup>

Ministers, priests, or rabbis may obtain permits for the purchase, transportation, use, and possession of sacramental wines to be used in their churches. Detailed provisions are set out for the securing of such permits — the form of the permit and shipping order being specified by the law. Violation of the act or of the liquor laws of the State is made a misdemeanor and acts as a revocation of the permit.<sup>231</sup>

Chapter 266 relates to the disposition of liquors seized by the authorities in enforcement of the law. As originally introduced the bill provided that such liquors should be turned over to the State Board of Control for use in State institutions; as finally enacted it authorizes the district court judge to order the destruction of the liquor; or he may have any "alcohol, brandies, wine or whiskey delivered

<sup>229</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 220.

<sup>230</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 2.

<sup>231</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 221.

for medicinal or scientific purposes to any state or reputable hospital in the county or adjoining counties, and shall order any balance remaining . . . turned over to the state board of control to be dispensed to any state institution or reputable hospital in the state to be used for medicinal or scientific purposes." Disposition under this statute is to be construed as destruction under any statute.<sup>232</sup>

The provisions of the law as found in sections 4960 and 4961 of the *Code of 1897* made it a misdemeanor for anyone to expose for sale or gift any spirituous or other liquors, or any article of merchandise excepting provisions, within a mile of the place where any religious society is collected for religious worship in any field or woodland, unless carrying on their ordinary and lawful calling or business in the habitual and lawful place, or unless in possession of a written permit from the person in charge of the religious gathering. These provisions, being dead timber in the law relating to liquor traffic, were repealed by chapter 212 of the legislation of 1919.<sup>233</sup>

#### AGRICULTURE AND ANIMAL HUSBANDRY

*State Aid.*—A technical amendment makes definite the law that not more than one thousand dollars may be given to any one society or fair by the county board of supervisors in any one year for the purpose of fitting up or purchasing fair grounds.<sup>234</sup>

To encourage horticulture and allied industries in the State, an annual appropriation of \$8000 is provided for an annual exposition of horticultural and manufactured plant products. An assistant secretary and other clerical assistance may be employed by the State Horticultural So-

<sup>232</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 266.

<sup>233</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 212.

<sup>234</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 140.



ciety; and an annual report of the exposition must be made to the Governor.<sup>235</sup>

The Thirty-seventh General Assembly appropriated \$100 for each county in the State which held a poultry show that fulfilled specified conditions, and \$500 for a State poultry show. These were made annual appropriations by the Thirty-eighth General Assembly. Probably they were originally so intended, but care was not taken to incorporate this provision in the law.<sup>236</sup>

The Farmers' Institute of Franklin County failed to file a sworn statement necessary to entitle it to State aid for the year 1918. Since the Institute was held, and all other regulations complied with, the legislature appropriated \$75 for its use.<sup>237</sup>

By chapter 292 incorporated county fair societies and agricultural associations are given the power of eminent domain.<sup>238</sup>

The law relating to State aid for county and district fairs or agricultural societies as it appeared in sections 1658 and 1659 of the *Supplement to the Code, 1913*, and in section 1661-a of the *Supplemental Supplement* is rewritten in the new legislation. Formerly sixty per cent of the first \$1000 paid in cash premiums and twenty per cent additional of the amount over \$1000 so expended, but in no case over \$800, would be paid out to any county or district fair or agricultural society upon the filing of a report as to the same with the State Auditor. Now there will be paid seventy per cent of the first \$1000, sixty per cent of subsequent amounts in excess of \$1000, but in no case over \$1500 in any one year. The report must be filed with the Secretary

<sup>235</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 395.

<sup>236</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 279.

<sup>237</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 233.

<sup>238</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 292.

of the State Board of Agriculture. Any fair or society failing to send a delegate to the State agricultural convention, shall have the amount of State aid which it would otherwise receive diminished by \$100.<sup>239</sup>

In 1917 county boards of supervisors were authorized to pay \$2500 each year to any farm improvement association that filed articles of incorporation and certified that a yearly subscription of \$500 had been raised among its members. Now it is necessary for the members to contribute \$1000. Upon certification that this amount has been raised, the board of supervisors are required to appropriate out of the general fund of the county, a sum double the amount of such subscription, but not to exceed a total of \$5000 in counties with a population of 25,000 or over, nor \$3000 in counties of less than 25,000.<sup>240</sup>

Inspectors of the Iowa State Dairy Association and of the Iowa State Beef Cattle Producers' Association may now be paid \$2000, instead of \$1800 as formerly. The State Board of Agriculture is now required to pay all premiums offered at the annual exhibition of the Iowa Corn and Small Grain Growers' Association; and there is appropriated \$32,500 for the use of these associations.<sup>241</sup>

*Animal Husbandry.*—Several amendments were made to the law regulating and licensing the manufacture and sale of anti-hog-cholera serum and hog-cholera virus. The duties of the director of the laboratory—established in 1915 at Ames for the manufacture of anti-hog-cholera serum and other biological products—relative to determining the standard degree of potency of such serum, the inspection of serum plants, and the issuance of permits to sell serum

<sup>239</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 175.

<sup>240</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 36.

<sup>241</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 350.

and virus, were transferred to the Commission of Animal Health. Yearly permits now cost \$15 instead of \$25, and no bond is required. The Commission of Animal Health also issues to properly qualified persons permits for the use of the virus. Moreover it is given the power to seize samples for examination and condemn or destroy unsatisfactory materials. The new legislation amends the law so that "hog cholera serum" will read "anti-hog-cholera serum".<sup>242</sup>

An annual appropriation of \$100,000 was made for the use of the Commission of Animal Health in the control and suppression of dangerous, contagious, and infectious diseases among domestic animals in Iowa — principally tuberculosis in cattle and hogs. This malady has been increasing alarmingly among beef and dairy cattle, and is a menace to public health as well as a source of financial loss to the owners of live stock. A significant feature of the act is that it conforms to the most advanced legislation of other States. It also conforms to Federal regulations, and thus enables Iowa to secure Federal aid, which is used with an equal amount paid by the State to reimburse owners for animals condemned and slaughtered. Thus the monetary loss to the owner is very small, and he is encouraged to coöperate with the State in testing his herd.

The law exempts from tuberculin tests all cattle for feeding and fattening purposes. The difficulty, time, and expense involved in the process make it impractical to test such cattle. Moreover, range cattle, from which most of the feeders come, are nearly free from tuberculosis.

This measure dovetails with chapter 238, which provides for two additional stock raisers on the Commission of Animal Health. Indeed, chapter 287 as originally drawn provided for a State live stock sanitary board, a majority of the members of which were to be stock raisers.

<sup>242</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 379.

Inspection is also provided for live stock imported into the State for breeding, work, or dairy purposes. The Commission of Animal Health may establish whatever regulations it thinks necessary, may maintain quarantines, or even kill diseased animals. Special attention is given to testing dairy herds for tuberculosis. Penalties are fixed for violations of the act; and specific sections of the Code in conflict are repealed.<sup>243</sup>

In 1911 it was made a misdemeanor for any person to "fraudulently represent any animal, horse, cattle, sheep, or swine" to be registered, or for any person to post or publish, or cause to be posted or published any false pedigree or certificate of soundness. The provisions of this act are now extended to include goats and poultry.<sup>244</sup>

Railway companies in the State of Iowa have been prohibited from keeping live stock in continuous confinement in cars for more than twenty-eight consecutive hours. Now, upon the written request of the owner or custodian of the shipment, the time of confinement may be extended to thirty-six hours.<sup>245</sup>

Any person suffering loss through the killing of domestic animals or fowls by dogs or wolves may ask the county board of supervisors for damages to be paid from the domestic animal fund. Formerly the county auditor had been required to make an itemized report every six months to the county treasurer of all warrants drawn under authority of this section; but now he is required to report annually.<sup>246</sup>

Persons, firms, and corporations engaged in the business of burning, burying, or in any manner disposing of the

<sup>243</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 287.

<sup>244</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 262.

<sup>245</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 108.

<sup>246</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 15.

bodies of dead animals, are now required to secure annual licenses from the Commission of Animal Health. The law provides regulations for securing such licenses, for the conduct and inspection of the business, and for the transportation of the carcasses to the place of disposal as well as fixing fees and penalties. Within twenty-four hours from the time of death, carcasses of dead animals must be disposed of by their owners or caretakers, by cooking, burying, burning, or disposal to a person or firm licensed under the law.<sup>247</sup>

*Horticulture.*—Certain benefits as to reduced taxation are allowed in Iowa for forest and fruit-tree reservations. Fruit-tree reservations may now include ten acres, instead of five as formerly; and the number of fruit trees which each acre must contain is changed from seventy to forty apple trees or seventy other fruit trees. It is also provided that the trees must be pruned and sprayed annually.<sup>248</sup>

*Noxious Weeds and Plants.*—The Thirty-fifth General Assembly enacted a law which made it the duty of land-owners to see that all weeds on the streets and highways adjoining their land are cut between the fifteenth day of July and the fifteenth day of August of each year. This law was amended in 1915 to read “between the first day of July and the first day of August”. Yet the Thirty-eighth General Assembly amended the original act without recognition of the 1915 amendment. Indeed, the amendment of 1919 makes an exception in regard to noxious weeds which reach maturity before July “fifteenth”, providing that the township trustees or city or town council may require these to be cut at an earlier date.<sup>249</sup>

<sup>247</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 248.

<sup>248</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 224.

<sup>249</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 228.

The purpose of chapter 8 is to eliminate black stem rust of grain; for it enacts that after notification by the State Entomologist, no person, firm, or corporation shall receive, ship, or accept for shipment, transport, sell, or offer for sale, give away, deliver, plant or permit to exist on his or its premises, any plant of the harmful barberry, or any other plant which acts as an alternate host or carrier of a dangerous insect pest or plant disease. It is made the duty of the State Entomologist to enforce this law.<sup>250</sup>

*Fences.*—In the early days, owners of timber lands not used otherwise than for the timber thereon were exempt from the necessity of building or contributing to the building of partition fences between their land and adjoining land. The benefit of the fence under pioneer conditions was for the man who used his land for stock purposes or for farming. Conditions have changed and the injustice is coming the other way. Now many owners of timber tracts are using them as pastures and getting the benefit of their neighbors' fences without expense; and the legislation of 1919 provides that upon the written request of either owner, both may now be compelled to contribute to the construction of a dividing fence.<sup>251</sup>

Orders and decisions of fence-viewers must now be recorded by the county recorder as well as the township clerk; and the record in the recorder's office shall be competent evidence in all courts. Judgments on appeals must also be certified to the county recorder.<sup>252</sup>

#### DRAINAGE LEGISLATION

Chapter 332 provides for the equitable distribution of cost among the districts benefited when drainage ditches

<sup>250</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 8.

<sup>251</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 52.

<sup>252</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 33.

are cleaned out, enlarged, deepened, or widened. Upper or tributary drainage districts shall be assessed for the cost of such work in the same ratio to the total cost as the discharge of waters of such district bears to the combined discharge of waters of the several districts flowing into or through the ditch or drain being cleaned out or enlarged. The same provision applies when a ditch or drain must be extended to secure a better outlet.<sup>253</sup>

Upon petition by one-third of the land owners within a drainage district which has been established and which includes a pumping plant, but in which the drainage improvement has not been completed, the supervisors may authorize the establishment of such additional pumping plants as may be deemed necessary by the engineer. When any drainage district has more than one pumping plant, it may, upon petition, be divided into two or more districts. The board is empowered to condemn land for the purpose of providing a channel to the settling basins in levee districts where such channel is found necessary.<sup>254</sup>

Special assessments against property benefited by drainage improvements may now be paid in not less than ten nor more than twenty installments, instead of ten only as provided by section 1989-a26 of the *Supplement to the Code, 1913*. Drainage bonds issued under section 1989-a27, *Supplement to the Code, 1913*, may now run twenty years, instead of fifteen.<sup>255</sup>

Payment of drainage assessments in installments is not allowable, however, in cases of assessments of \$20 or less on a single lot or tract of land. Nor can assessments of \$20 or less on a single lot or tract of land be included in bond issues for drainage improvements under section 1989-

<sup>253</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 332.

<sup>254</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 283.

<sup>255</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 271.

a27 of the *Supplement to the Code, 1913*. This sum, in both instances, was made \$10 in 1917 and changed to \$20 by the Thirty-eighth General Assembly.<sup>256</sup>

County treasurers are now required to keep a record or list of the owners or holders of warrants, drawn upon the funds of any drainage district, which are not paid for want of funds. Successive assignees or holders may notify the treasurer of the transfer. Whenever the treasurer shall have funds to pay the warrants, he must, in addition to the call heretofore provided for in the Code, mail written notice of such call to the then holders of the warrants.<sup>257</sup>

When a drainage petition is presented the county board of supervisors appoints a competent engineer to make a preliminary survey and report on the lands to be drained. The new legislation makes it clear that the engineer's notes of the preliminary survey, together with the original tracing of plat and profile of the drainage district, are to be the property of the drainage district and must be filed with the county auditor with the engineer's report.<sup>258</sup>

When a plan for a drainage district has been decided upon by the board of supervisors the county auditor must give notice of the petition and of the favorable report thereon, to all property holders, lien holders, and encumbrancers of any land through which the improvement extends or upon which it abuts. By chapter 138 it is provided that when such proposed district includes any portion of a city or incorporated town, it shall be sufficient for such notice to set forth the boundaries of the included territory without naming individuals.<sup>259</sup>

Whenever any ditch, drain, or watercourse becomes ob-

<sup>256</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 64.

<sup>257</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 162.

<sup>258</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 141.

<sup>259</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 138.



structed by the roots of trees or hedges, the board of supervisors must repair the same and remove the cause of the obstruction. The tile drain may be relaid in concrete, or the trees or hedge may be removed. If trees or hedge are not within the right of way as originally acquired, jurisdiction may be secured by the same procedure which is used in acquiring the right of way.<sup>260</sup>

Drainage districts in two or more counties are under the joint jurisdiction of the boards of supervisors of the counties concerned. In 1917 it was provided that the board of supervisors of one county might establish a sub-drainage district when the lands composing it lay wholly within such county. This power was enlarged to allow the making of improvements therein, the repairing and maintaining of such property, and the fixing and levying of assessments in sub-drainage districts heretofore and hereafter established.<sup>261</sup>

Appraisers of damages and commissioners to assess benefits in case of drainage construction may now receive five dollars per day, instead of four as formerly.<sup>262</sup>

Permission was granted in chapter 44 for the drainage of the meandered lake known as Goose Lake in Greene County — an improvement specifically recommended by the State Highway Commission in its report of December 30, 1916.<sup>263</sup>

In 1915 a law was passed which forbade the sale of lake beds drained prior to January 1, 1915. This left the drainage warrants of Elbow Lake in Palo Alto and Clay counties unpaid, and the State without funds with which to pay them. This year's legislation allows such lake beds to be

<sup>260</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 121.

<sup>261</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 54.

<sup>262</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 76.

<sup>263</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 44.

sold or leased by the Executive Council.<sup>264</sup> The land of the Elbow Lake bed has now been sold, bringing \$6000 more than the sum necessary to pay off the warrants and interest.

Surveyors of abandoned river channels are now to be employed on contract rather than paid a per diem compensation.<sup>265</sup>

In the case of the drainage of public highways, the board of construction has been allowed heretofore to advance out of the county road fund whatever portion was to be collected by special assessment, and then to replace this amount as such assessments were collected. Now they have the option of issuing warrants to be known as ditch warrants, drawing six per cent interest and paid out of the special assessments when collected.<sup>266</sup>

If appeals against the establishment of a highway drainage system or against the amount of damages allowed, are dismissed, or the improvement abandoned after the engineer's report is in, any costs of the proceeding up to that time are to be paid out of the county fund instead of the county road fund.<sup>267</sup>

By an act of 1913 the issuance of bonds was authorized for drainage districts. An act passed in 1915, which became chapter 2-B of title X, *Supplemental Supplement to the Code, 1915*, provided for highway drainage but made no specific provision for bond issue. Osceola and O'Brien counties attempted to issue and sell drainage bonds under the provisions of the 1915 enactment, but bond buyers refused to consummate a tentative purchase of the bonds because it was the opinion of their counsel that they could not be legally issued under this chapter. Chapter 135 now

<sup>264</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 203.

<sup>265</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 32.

<sup>266</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 30.

<sup>267</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 29.

makes the bond issue authorization of 1913 applicable to the 1915 legislation.<sup>268</sup>

A special act provides for the establishment of levee and drainage districts and improvements in cases where the board of supervisors have heretofore attempted to establish the same under title X, chapter 2, of *McClain's Code of 1888* as amended, and where said establishment has failed by reason of the unconstitutionality of said provision. The act makes provision for the establishment of a district which shall take over any ditch, levee, or drain already in whole or in part constructed, and for the levy and collection of taxes for the completion of the work.<sup>269</sup>

The act described above was passed to remedy a peculiar situation. In 1895 a petition was filed for the establishment of a drainage district in Harrison County. The district was created and the tax thereon was paid. But in 1914 a petition for repairs was made. When the work had been almost completed, the county treasurer and board of supervisors of Harrison County were enjoined from the collection of the tax for the repair work. The injunction was granted on the theory that the law under which the original assessment was made was unconstitutional, and no legal assessment could be made thereunder. The court in granting the injunction followed the precedent of *Smith v. Peterson*, 123 Iowa 672, which holds that the unconstitutionality of the provision for taxing lands in the vicinity of the ditch without notice to the owner thereof, renders invalid the entire provision for assessment for such ditches.

#### BANKS AND BANKING

In April, 1919, there were 1318 State and savings banks in Iowa — more than in any other State — and the number

<sup>268</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 135.

<sup>269</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 334.

was increasing rapidly. Moreover, during the past three years the assets of these banks have doubled. In these facts lies the explanation of an act of the Thirty-eighth General Assembly increasing the number of bank examiners from eight to one for every one hundred banks or major fraction thereof — or, at the present time, thirteen. There may be employed in the Department of Banking one clerk for every two hundred banks or major fraction thereof, thus increasing the number of clerks from four to seven, including the newly created office of Deputy Superintendent. The law makes the number of examiners and clerks flexible, and at the same time prevents the Superintendent of Banking from increasing the personnel of the department indefinitely.

Owing to the fact that the examiners were leaving the department — as many as three in one week — to accept more lucrative positions, the salary of bank examiners was increased from \$2200 to \$3000 a year. The Superintendent is now allowed \$500 a year to cover his expenses in attending meetings of bankers associations. The expense of maintaining the Department of Banking is met entirely from the examination fees collected and inasmuch as the income from fees based on the capital stock — which is fairly stable — was inadequate by several thousand dollars, the basis of fees was changed to assets which have increased rapidly and the inspection of which constitutes the real work of examining a bank.<sup>270</sup>

Another important act empowers the Superintendent of Banking to deny a certificate of authority to begin business if the community is amply served with banking facilities, if the public necessity and convenience will not be promoted or if the officers and stockholders of the proposed bank or trust company do not command the confidence of the com-

<sup>270</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 335.

munity — a power which the Comptroller of Currency has exercised with respect to national banks since 1863. An appeal may be taken to the Committee on Retrenchment and Reform. The purposes of the act are to prevent too many banks being organized (not to stifle competition but to insure strong banks) and to prevent disgruntled persons from organizing spite banks on account of dissatisfaction over the activity of loyal bankers in supporting liberty loans. These provisions lapse after December 31, 1920, in accordance with a clause which was inserted as a compromise. Another section of this same act obstructs a large loophole by practically prohibiting the organization of new private banks, since the use of the term "bank" or any synonym or derivative of the word by any individual, partnership, association, or corporation not a national bank or not under the supervision of the Department of Banking is prohibited.<sup>271</sup>

Since the establishment of the Federal reserve system, national banks have been permitted to make bank acceptances of drafts or bills of exchange having not more than six months sight to run. Bankers' acceptances of drafts and bills of exchange seem to constitute an instrument of credit that will be used very extensively in the future. It is in accord with this tendency that the State banks, savings banks, and trust companies of Iowa are now permitted to make acceptances under practically the same terms as do the national banks.<sup>272</sup>

Hereafter any State bank, savings bank, or trust company of Iowa which becomes a member of the Federal reserve system is required to maintain only such cash reserve funds as are required of national bank members. The effect is to lower the reserve required of the banks that become members of the Federal reserve system, to eliminate

<sup>271</sup> *Acts of the Thirty-eighth General Assembly, Ch. 236.*

<sup>272</sup> *Acts of the Thirty-eighth General Assembly, Ch. 66.*

the cash-in-bank reserve, and to transfer all of the legal reserve to the Federal Reserve Bank.<sup>273</sup>

Since 1915 Iowa savings banks have been required to maintain a cash reserve of fifteen or twenty per cent of their sight and demand deposits (depending on the population of the town or city) and eight per cent of their savings deposits and time certificates. Eighty-five per cent of these reserve funds may be kept on deposit in other banks. The legislation of 1919 makes these reserve requirements applicable to all State banks, the former reserve requirements for which were ten or fifteen per cent of their total deposits, depending on the population of the town or city.<sup>274</sup>

In 1917 the law fixing the number of savings bank directors was amended to the extent of striking out the maximum number, nine. The purpose of the amendment was to allow savings banks to designate the number of their directors annually by resolution, but the Attorney General ruled that the number of directors could not be so designated without amending the articles of incorporation. Accordingly the Thirty-eighth General Assembly passed a law specifically stating that the number of directors may be changed within specified limits by a vote of the stockholders. There can not, however, be less than five or more than nine directors.<sup>275</sup> Another bill extending the same privilege to State banks passed the Senate but expired in the House Sifting Committee.<sup>276</sup>

Liberty bonds are exempt from State taxation, yet the taxation laws of Iowa require the assessment of such securities when owned by a bank. This situation was rem-

<sup>273</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 319.

<sup>274</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 67.

<sup>275</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 60; *Iowa Bankers Association Bulletin*, No. 439.

<sup>276</sup> Senate File No. 396.

edied by an act which specifically exempts from taxation all United States government obligations issued since the declaration of war against Germany which are actually owned by banks.<sup>277</sup>

No little consideration was given to bills relating to "blue-sky legislation", but only one measure of that type gained enactment. According to the terms of this act, which was designed to eliminate the blue-sky promotion expense in the organization of banks, no individual, partnership, or corporation may receive any commission for organizing any bank or trust company or for securing a subscription to the capital stock or surplus of any bank or trust company.<sup>278</sup> Another bill providing a penalty of not over \$2000 fine, imprisonment in jail, or both, for the sale or encouragement of the purchase of fraudulent stocks, bonds, notes, or securities passed the Senate but adjournment came before the House could take action.<sup>279</sup>

Vigorous efforts were made in both branches of the Assembly to pass a law prohibiting banks or bank officials from acting as receivers, assignees, trustees, guardians, administrators, or executors, or furnishing legal service or advice; but the bankers succeeded in defeating the proposition.<sup>280</sup>

Morris Plan companies engaged in loaning money to deservng persons who desire to pay off the loan in small amounts at frequent intervals have been desirous of coming under State supervision by making annual reports of their financial condition to the State Auditor. If their business is conducted honestly and usurious rates of interest are not charged, the Auditor now issues a certificate to that effect.

<sup>277</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 257.

<sup>278</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 144.

<sup>279</sup> Senate File No. 398.

<sup>280</sup> Senate Files, Nos. 320, 498; *Iowa Bankers Association Bulletin*, No. 439.

This certificate performs two functions: it constitutes official evidence that such a company is not conducting a loan shark business, and it entitles the company to be assessed on the net actual value of its moneys and credits at the rate of five mills on the dollar, in lieu of all other taxes on stock and moneys and credits.<sup>281</sup>

#### BUSINESS, TRADE, AND COMMERCE

Iowa ranks second among the States in the button industry.<sup>282</sup> The output consists mainly of blanks of the fresh-water pearl variety, made from the shell of the Mississippi River mussel. There are within the State over eighty such manufacturies, nearly fifty of them being located in Muscatine.<sup>283</sup> In view of these facts it is not surprising that mussel catching for commercial purposes now requires a license. Residents of the State must pay an annual license fee of two dollars and non-residents twenty-five dollars to the Game and Fish Commission. Twenty dollars additional must be paid if a dredge is used.

Limitation is placed upon the number of boats which may be used under one license, as well as the number and size of crowfoot bars or dredging mechanisms employed. Under-sized mussels must be culled out and returned to their habitat. The Game and Fish Commission may, under certain restrictions, prescribe closed areas where mussels may not be taken for a specified period. Each license holder must make an annual report on blanks furnished by the Game and Fish Commission.

Fines and imprisonments of various amounts and duration are prescribed for the violation of the several sections of this act, and provision is made for its enforcement.

<sup>281</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 151.

<sup>282</sup> *Census of Manufactures* (United States), 1914, Vol. II, p. 840.

<sup>283</sup> *Census of Manufactures* (United States), 1914, Vol. I, p. 416.



Section nine contains a definition of terms, and section ten provides for territorial jurisdiction as between Wisconsin, Illinois, and Iowa.<sup>284</sup>

The law with regard to weights, measures, and inspection was rewritten with a few minor changes of a technical nature. Fine and imprisonment for the violation of the act were specified, and liability under its provisions broadened. Legislation relating to the authority of the Food Commissioner and his assistants to stop vehicles and have their contents reweighed was rewritten and thereby made more clear and comprehensive.<sup>285</sup>

In 1909 authorization was granted to county boards of supervisors to grant to persons or corporations engaged in the manufacture of electric light and power the right to erect and maintain poles and wires in public highways subject to certain conditions and for a period not to exceed twenty years. This provision is now extended to include persons or corporations engaged in the transmission of electric light and power, thus taking care of the so-called distributing companies.<sup>286</sup>

The law as originally enacted provided that any person or corporation which had received such a grant from the county supervisors, and who failed to comply with the statutory conditions imposed, should be fined not less than \$50 nor more than \$500. The Thirty-eighth General Assembly increased the fine to not less than \$100 and not more than \$1000 and also made it applicable to persons and corporations which attempt to construct an electric light or power transmission line without first obtaining the necessary grant.<sup>287</sup>

<sup>284</sup> *Acts of the Thirty-eighth General Assembly, Ch. 98.*

<sup>285</sup> *Acts of the Thirty-eighth General Assembly, Ch. 99.*

<sup>286</sup> *Acts of the Thirty-eighth General Assembly, Ch. 267.*

<sup>287</sup> *Acts of the Thirty-eighth General Assembly, Ch. 399.*

A special law authorizing the regulation and licensing of plumbers by cities and towns was enacted by the Thirty-fifth General Assembly. This law is now restricted to cities and towns of less than six thousand population; and further legislation is provided for cities having a population greater than six thousand. Cities must adopt and enforce ordinances for such regulation within ninety days after the act takes effect. The State Board of Health, assisted by a special committee to be appointed by the Governor, is empowered to draft a State code for plumbing. City councils are empowered to appoint boards of examiners, whose duties and fees are fixed by the act. Provision is made for granting licenses, and a section is devoted to the definition of terms.<sup>288</sup>

It was made a misdemeanor, punishable by a fine of not over \$100 or imprisonment in the county jail not over thirty days, for any non-resident of this State to cry any sale of property as an auctioneer within the State, unless by a reciprocal law of the State of which he is a resident, residents of Iowa would be permitted to cry sales in that jurisdiction without license. This act does not apply to sales of property under direction or authority of any chattel mortgage, court, or process thereof.<sup>289</sup>

Contractors working on public buildings, bridges, and the like, not belonging to the State, have been able to prevent the filing of claims by mechanics, laborers, or subcontractors against the public corporation which is constructing such building or bridge, by filing a bond conditioned for the payment of persons who may be entitled to file such claims; and action might be brought on such bond by any claimant within one year after his cause of action accrued. The time within which action may be brought is

<sup>288</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 378.

<sup>289</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 47.

now extended to two years. Provisions to the contrary in bonds and contracts are of no effect.<sup>290</sup>

Another act along this line requires all contractors on public buildings, improvements, and additions, where the contract price is in excess of \$1000 to file a bond in a sum not less than the contract price, which bond shall be for the use and benefit of the public body for which the work is done and of the sub-contractors and employees. The act prescribes the conditions of the bond. Action on the bond must be brought within six months of the completion of the building or improvement. The act gives additional security to claimants.<sup>291</sup>

Chapter 182 makes extensive revision of the law relating to hotel inspection and licensing. Formerly to come under the classification "hotel" a building must have contained four or more sleeping rooms for the accommodation of guests; while now, for purposes of this act, no number is specified. Hotel managers are now required to secure a license from the hotel inspector; and fees are specified according to the size of the hotel.

Additional sanitary regulations are prescribed as to ventilation, bedding, vermin, towels, drinking cups, refrigerators, and toilets. Kitchens and dining rooms must be screened from flies. Minor changes are made in the powers and duties of inspector and deputies; and the salaries of the hotel inspector and his deputies are raised. One interesting feature of the law is that which requires a card to be kept in each room stating the maximum price of the room. Presumably this was to guard against inflated prices during fairs, conventions, and the like. Certain hotels render this law ineffective by posting a price two or three times the amount usually charged.<sup>292</sup>

<sup>290</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 53.

<sup>291</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 347.

<sup>292</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 182.

One of the most important enactments of the Thirty-eighth General Assembly is the so-called Uniform Sales Act. Uniformity in legislation on commercial subjects is more than expedient: it is necessary. In three important laws Iowa had already adopted this principle: the Uniform Negotiable Instruments Law was adopted in 1902; the Uniform Warehouse Receipts Act, in 1907; and the Uniform Bills of Lading Act, in 1911. From a commercial standpoint the Uniform Sales Act is recognized as the most important of the series; and Iowa is to be congratulated upon having lined up with the States which have already adopted the measure.

The law is based upon the Sales of Goods Act which has been in force in England since 1894. Professor Samuel Williston, an authority on the law of Sales, is credited with the drafting of the American act which was approved in 1906 by the Commissioners of Uniform Laws in national conference. It has received the endorsement of the American Bar Association for twelve years, and enactment of the statute in this State was furthered by the Iowa State Bar Association.

The purpose of the Uniform Sales Act is to provide a uniform law for the sale of goods and merchandise. It is for the most part a codification of the existing law of Sales, and usually states the prevailing rule — although it is much more than a statement of the weight of authority. Some sections of the act change the Iowa law as established by statutory enactment or judicial decision.

Twenty-one pages of the session laws are devoted to this important statute. It is divided into parts and subdivisions as well as into sections, and its well arranged form gives the impression of completeness and comprehension. The act sets out what a contract is; regulates the formation of a contract; describes the transfer of property and title;

declares what constitutes performance of the contract; outlines the rights of the unpaid seller; and regulates actions for breach of contract. Part VI is devoted to interpretation and definition.<sup>293</sup>

#### CORPORATIONS

The Thirty-third General Assembly provided for an annual report and an annual fee of one dollar from each corporation for pecuniary profit within the State, and provided certain penalties for failure to make such report. The reports were to be made in the month of July. If the report and fee of a domestic corporation was not in by the following May, suit could be started, and fines collected for each month the report was late. The Thirty-eighth General Assembly substituted January for May, thus shortening the time reports can be withheld. The monthly penalty was decreased fifty per cent, but it was made specific that the penalty is "in addition to the annual fee of one dollar". Domestic corporations may escape payment of fees and penalties by dissolution before the first day of February following, instead of the first day of May as formerly.

A new provision makes it possible for the Attorney General, at his discretion, instead of bringing action against the delinquent corporation, to recommend to the Secretary of State that he cancel the name of the delinquent corporation from the list of live corporations in his office. Such cancellation, after due notice, constitutes a forfeiture of corporate rights, and no new business can be transacted by the corporation after that date. Provision is made for

<sup>293</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 396.

An annotated presentation of the Uniform Sales Act, section by section, and its effect upon Iowa decisions and statutes, by Professor H. C. Horack, secretary of the Iowa State Bar Association, appears in the *Iowa Law Bulletin*, for March, 1917.

the reinstatement of the corporation under certain regulations, by the Executive Council.

Foreign corporations which have not complied with the provisions as to report and fee for the previous year by February first of any year, forfeit their right to do business within the State. Formerly such forfeiture did not occur until May first.

The fees and penalties provided in the act were made a prior lien on any property of the corporation against all persons, whether the property is in the possession of the corporation or not. Moreover, the act makes provision for a regular and orderly method of disposing of cases where corporations have forfeited their franchises, and statutory penalties have accumulated for years and cumber the records. The penalties imposed for non-compliance with this section and failure to make report were reduced for the reason that experience has shown that such failure occurred mainly with small corporations which merely passed out of existence, and it was felt that smaller penalties would make it easier to wind up the affairs of a dying corporation, bring in more actual revenue, and clear the department records.<sup>294</sup>

Since this chapter makes full provision for forfeiture and cancellation of corporate existence, section 1628 of the Code, which relates to cancellation through non-user, was repealed.<sup>295</sup>

The Thirty-eighth General Assembly made guilty of a felony, punishable by a maximum fine of five thousand dollars or maximum imprisonment for two years, or both, "any officer, agent or employe of any corporation who shall knowingly make or knowingly authorize to be made false entries upon the books of such corporation, and any em-

<sup>294</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 205.

<sup>295</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 374.

ploye of another who shall knowingly make or cause to be made false entries upon the books of his employer''. This act resulted from the making of false entries by managers of certain corporations to form a basis for the declaration of dividends which had not been earned, thus causing financial embarrassment to the companies.<sup>296</sup>

#### INSURANCE

Group life insurance was authorized by the Thirty-eighth General Assembly. Chapter 197 defines group life insurance as "that form of life insurance covering not less than fifty employes, with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and employes jointly, and insuring only all of his employes, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer; provided, however, that when the premium is to be paid by the employer and employe jointly and the benefits of the policy are offered to all eligible employes, not less than seventy-five per centum of such employes may be so insured."

The act provides that level premium life insurance companies may enter into group life insurance contracts. Policy forms must be approved by the Commissioner of Insurance, and must contain certain specified provisions. The employer is deemed to be the policy-holder, and when allowed to vote at meetings of the company, may cast one vote. Policies and the proceeds therefrom are not subject to legal process. Medical examination of applicants is not necessary under this act.<sup>297</sup>

<sup>296</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 210.

<sup>297</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 197.

Since 1907 it has been the law that no new fraternal beneficiary society shall be incorporated or given a permit or certificate of authority to transact business within this State, unless it first shows that the mortuary assessment rates provided for in whatever plan of business it has adopted, are not lower than is indicated by the *National Fraternal Congress Mortality Table*. The Thirty-eighth General Assembly specifically included under plans of business adopted, the issuance of term, whole life, or limited payment certificates with withdrawal options. The fraternal beneficiary societies had been writing such policies without specific authorization from the statutes.<sup>298</sup>

Since 1896, policy-holders in fraternal beneficiary societies have been allowed to name as beneficiaries "husband, wife, relative, legal representative, heir or legatee". The General Assembly in 1919 rewrote this section to read "wife, husband, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-children, children by legal adoption, legal representative or to a person or persons dependent upon the member". If the policy-holder becomes dependent upon any incorporated charitable institution, he may, with the consent of the fraternal society, make such institution his beneficiary. The change doubtless more clearly indicates just who may be beneficiaries, and reduces the chance of legal dispute.<sup>299</sup>

Any number of physicians, druggists, dentists, and graduate nurses, licensed to practice their profession in the State of Iowa, may form a mutual insurance corporation "for the purpose of protecting themselves by insurance against loss by reason of actions at law on account of their alleged error, mistake, negligence or carelessness in the

<sup>298</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 227.

<sup>299</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 240.



treatment and care of patients, including the performance of surgical operations, or in the prescribing and dispensing of drugs and medicines, or for loss by reason of damages in other respects, and to reimburse any member in case of such loss." When two hundred and fifty applications have been received, representing one million dollars of insurance, and there is in possession of the corporation ten thousand dollars in cash assets, and their articles have been approved by the Attorney General and the Commissioner of Insurance, they may be authorized to transact business.

Similar corporations organized under the laws of other States may be allowed to do business in this State under certain regulations. Annual reports are required and, in general, these corporations are governed by the rules which govern other insurance companies.<sup>300</sup>

Chapter 330 allows to certain insurance companies the privilege of insuring against liability for loss, damage, or expense resulting from personal injury or death caused by error or negligence of the insured in the practice of medicine, surgery, or dentistry, or in prescribing or dispensing drugs. Policies inure to the benefit of the person obtaining judgment against the insured practitioner.<sup>301</sup>

The provisions in the law relating to fraternal beneficiary societies were somewhat amplified by chapter 343. Those societies which base their certificates upon rates not lower than those in the legal mortality table, may provide for death benefits upon term, whole life, or limited payment plan. The required legal reserve must be maintained. Extended and paid up protection or withdrawal equities may be granted.<sup>302</sup>

Chapter 302 makes it possible for fraternal beneficiary

<sup>300</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 286.

<sup>301</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 330.

<sup>302</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 343.

societies, by complying with the provisions of the act, to transform themselves and be reincorporated as legal reserve level premium companies doing business either as mutual or stock companies. When reorganizing as a stock company, each member of the society must be given the privilege of subscribing for stock.<sup>303</sup>

Upon approval of forms and trust agreements by the Commissioner of Insurance, any life insurance company organized under chapter six, title nine of the Code, may hold in trust the proceeds of any policy issued by it, upon agreement between the company and the policy-holder. The insurance company, however, is not to be subject to any of the provisions of the laws of Iowa relating to banks or trust companies.<sup>304</sup>

The word "fire" was stricken from the first and sixth lines of section 1754 of the Code, thus making combinations or agreements between any insurance companies as to rates, commissions, and the like unlawful. Formerly this section applied to fire insurance companies only.<sup>305</sup>

Certain stock insurance companies are required to have an actual paid up capital of \$200,000. Companies insuring plate glass exclusively have been required to maintain a capital of only \$100,000. This special provision has now been extended to include companies insuring live stock exclusively.<sup>306</sup>

Chapter 348 is an act "relating to and providing for certain regulations of all kinds of insurance companies", which makes sundry amendments to various Code and Code Supplement sections. Section 1709 of the *Supplement to the Code of Iowa, 1913*, was amended to allow insurance

<sup>303</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 302.

<sup>304</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 304.

<sup>305</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 318.

<sup>306</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 346.

companies organized under chapter four of title nine of the Code to insure against loss or damage by lightning, or casualty incident to or connected with lightning. Insurance of glass against breakage is also permitted. Formerly this section had included only fire, sprinkler leakage, cyclone, tornado, or windstorm. The inclusion of a comma after the word sprinkler in line six of section one of this act is doubtless accidental.

Section two of this act remedies a technical defect in section four of chapter 428 of the *Acts of the Thirty-seventh General Assembly*, by inserting an omitted word. Other sections made technical changes and changes in fees and compensations. Two new provisions relate to investigating the funds and securing, when necessary, the services of an expert insurance examiner. Capital surplus, or other assets are not to be invested in or loaned on property owned by officers or directors or immediate members of their families. Officers and directors must not gain through the investment of company funds. Expert insurance examiners, hired when deemed necessary by the Commissioner of Insurance, shall receive not over \$25 per day.<sup>307</sup>

Every insurance corporation organized under the laws of the State of Iowa, except county mutuals and fraternal beneficiary associations, is required to pay a State tax of one per cent of its gross receipts, after making certain deductions, such as for money paid out on cancelled policies and rejected applications. The deductions allowed to fire insurance companies organized under chapter four of title nine are now allowed to all insurance companies organized under this chapter and title and are also permitted on business done within the State as well as on business covering property situated within the State.<sup>308</sup>

<sup>307</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 348.

<sup>308</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 371.

The second class of risks which may be insured by companies in this State, as specified in subdivision two of section 1709 of the *Supplement to the Code, 1913*, is broadened by permitting stock companies to "insure the maker, drawer, drawee or endorser of checks, drafts, bills of exchange or other commercial paper against loss by reason of any alteration of such instruments".<sup>309</sup>

#### THE PROFESSIONS

The legislation of 1919 increases from one dollar to two dollars the annual fee required of pharmacists for renewal certificates following their registration. The additional dollar is to be paid into the treasury of the Iowa Pharmaceutical Association "for the advancement of the science and art of pharmacy".<sup>310</sup>

Pharmacists and assistant pharmacists registered in other States and in foreign countries, when applying for reciprocal registration in Iowa, have been charged a ten dollar fee. This fee was changed so as to be "not less than the fee charged for reciprocal registration by the state issuing the certificate upon which said application for reciprocal registration is made", but it is never to be less than ten dollars.<sup>311</sup>

Chapter 392 creates the Iowa State Board of Engineering Examiners, and decrees that after one year from the date of passage of the act, no person shall practice professional engineering or land surveying unless he is a registered professional engineer or registered land surveyor in accordance with the provisions of the act.

Professional engineering and land surveying are defined by the act. The board of examiners consists of five mem-

<sup>309</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 372.

<sup>310</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 95.

<sup>311</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 176.

bers, all appointed by the Governor. The act provides for examination, registration, fees, and for temporary certificates of registration, for recognition of certificates from other States, and for revocation of certificates, and it fixes penalties for violation of the act. Certain exceptions to the application of the act are outlined.<sup>312</sup>

#### CRIMINAL LAW

An addition was made to section 4897-a of the *Supplement to the Code of Iowa, 1913*, which defines the crime of escape. This addition makes the jurisdiction of an indictment for such crime the county in which is situated the place from which the prisoner is charged with escaping.<sup>313</sup>

It is made a misdemeanor, punishable by a fine of not more than one thousand dollars, or imprisonment for not more than a year, or both, for any person, firm, or corporation, to "willfully destroy, or negligently suffer to go to waste, with intent to increase the price thereof, any food products of any nature or description, without the authority or consent of the local board of health or local health officer of the city, town or township in which the food products are located."<sup>314</sup>

The "red flag" law makes "any person who displays, carries, or exhibits any red flag, or other flag, pennant, banner, ensign, or insignia, or who aids, encourages, or advises such display, carriage, or exhibition, with intent thereby to himself, or to induce others, to advocate, encourage, or incite anarchy or treason or hostility to the government of the United States or of the state of Iowa, or to insult or disregard the flag of the United States", guilty of a misdemeanor which is punishable by a fine of not over

<sup>312</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 392.

<sup>313</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 83.

<sup>314</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 179.

one thousand dollars or imprisonment of not more than six months, or both. If such person be armed with a dangerous weapon, the offense shall be a felony, and he may be imprisoned for five years. In all prosecutions under the act, display of the red flag shall be presumptive evidence of intent.<sup>315</sup>

Since 1904 it has been a statutory offense for any person, not authorized by law, to bring or cause to be brought into any penitentiary, reformatory, or training school of the State any opium, morphine, cocaine, or other narcotic, or any intoxicating liquor, or any firearm, weapon, or explosive of any kind, or any rope, ladder, or other instrument or device for use in making or attempting an escape. In 1913 this law was extended to workhouses, and hospitals of the State as well, and the section was rewritten. The legislation of 1919 includes the institution for feeble-minded children with the institutions already named.<sup>316</sup>

In 1860 it was made a misdemeanor for any mortgagor of personal property, during the time such mortgage remains in force, to willfully destroy, conceal, sell, or otherwise dispose of the property mortgaged without the express or implied consent of the holder of the mortgage. In 1873 this offense was made to constitute larceny. In 1894 it was made necessary to secure the "written" consent of the mortgagee for such sale or disposal. The Thirty-eighth General Assembly made the same rule of law applicable to purchasers under a conditional bill of sale as formerly applied to mortgagors of personal property. The phrase "with intent to defraud" was also added to the statute in 1919.<sup>317</sup>

Chapter 382 defines the crime of criminal syndicalism as

<sup>315</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 199.

<sup>316</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 217.

<sup>317</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 313.

“the doctrine which advocates crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform.” The advocacy of such doctrine, whether by word of mouth or by writing, is a felony. Not only is the person who advocates the doctrine punishable but also any person who prints, publishes, edits, circulates, or sells any book, paper, or pamphlet, containing such advocacy, or any person who justifies such action, or helps to organize or becomes a member of groups holding to such doctrine. Indeed, the assemblage of two or more persons to advocate or teach this doctrine is unlawful, and participants are guilty of a felony. These acts are punishable by imprisonment for not over ten years or fine of not over five thousand dollars, or both. The owner, agent, superintendent, janitor, caretaker, or occupant of any place who willfully and knowingly permits the use of such place for assemblages of this character is made guilty of a misdemeanor, and may be fined not over five hundred dollars or imprisoned in the county jail not more than one year, or both.<sup>318</sup>

#### JUDICIAL PROCEDURE AND LEGAL PROCESSES

The Thirty-eighth General Assembly increased the commissions of executors and administrators for settlement of estates. The former amounts of five per cent on the first one thousand dollars, and two and one-half per cent on the next four thousand dollars, and one per cent on the amount over five thousand dollars, were increased to six, four, and two per cent respectively. Provision was also made for an attorney's fee equal in amount to that of the administrator.<sup>319</sup>

The time within which sub-contractors may file mechan-

<sup>318</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 382.

<sup>319</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 391.

ics' liens, and serve notice thereof is lengthened by chapter 380.<sup>320</sup>

It is enacted that no action based on any claim existing prior to January 1, 1900, may be maintained in law or equity to recover or establish claim to real estate against any person who has held record title thereto since that date, unless a written petition and statement is filed within one year of the taking effect of the act. Provisions of the Code as to the rights of minors and insane persons are not applicable against the provisions of this act.<sup>321</sup>

This law is said to have been passed in the interest of bona fide owners of real estate whose title and possession date back at least to January 1, 1900. The real object is to fix a definite date back of which title examiners need not concern themselves with confusion in the records or with technical defects of recorded instruments, or old mortgages, or other liens, or even with a break in the chain of title. Such defects and claims are numerous, but are not often substantial, and if they antedate January 1, 1900, they seldom could be enforced.

Chapter 231 provides for the release of liens on personal property under certain conditions. The owner of the property may file a bond in double the amount of the lien, conditioned on the payment to the claimant of the lien any sum found to be due; and thus have the lien discharged and merged in the bond. Possession must then be surrendered to the owner of the property. Action on the bond comes in the county where the principal on the bond resides, or where the bond is filed.<sup>322</sup>

It has long been law in Iowa that the survivor's share can not be affected by any will of the spouse, unless consent

<sup>320</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 380.

<sup>321</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 270.

<sup>322</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 231.



thereto is given by the survivor. This section of the statutes was rewritten and made more definite by the Thirty-eighth General Assembly. The law heretofore read that the survivor must elect to consent or not consent within six months after a copy of the will and notice of the necessity of such election had been served by the other parties interested in the estate. But there was no duty to serve such notice and no time specified for its service! The new law provides that, unless "a voluntary election to take or refuse to take under a will has not been filed by a surviving spouse within sixty (60) days from the date when the will of a decedent has been admitted to probate", it shall be the executor's duty to serve original notice, requiring the surviving spouse to take or refuse to take in writing or in open court within six months. The notice may be given by any other person interested in the estate.<sup>323</sup>

Guardians appointed to have charge of the property of a minor, have been required to give bond in a penalty double the value of the personal estate and of the rents and profits of the real estate of the minor. The Thirty-eighth General Assembly provides that this bond may be fixed at a lesser amount when an approved surety company's bond is furnished; but that in no case shall it be less than the "actual value of the present estate, and the rents and profits of the real estate, with twenty-five per centum added thereto." The obvious purpose of the amendment is to reduce the expense of guardianship when a surety company's bond is given. The term "present estate" is apparently a misprint, and should read "personal estate" as used in the statute which was amended.<sup>324</sup>

An attachment on real estate is made effective under Iowa statutes by entering the attachment in an Encum-

<sup>323</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 192.

<sup>324</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 130.

brance Book kept in the office of the clerk of the district court. The Code formerly provided that in attachment proceedings, if judgment were rendered for the defendant, the attachment should be discharged. Now the law is made more complete, probably to conform to court decisions; and the attachment is discharged in like manner provided the action is dismissed by the court, by the plaintiff, by agreement between the parties, or if judgment has been entered for the plaintiff, and has been satisfied of record. In cancelling the attachment from the Encumbrance Book, the clerk must refer to the entry in the case authorizing such cancellation.<sup>325</sup> The act is designed to clear the Encumbrance Book of the attachment when the court proceedings are settled, so that the record may be kept straight and confusion avoided.

Section 3709 of the Code provided that either party in a legal proceeding might take and file exceptions to the charge of instructions given, or to the refusal to give any instructions asked, within three days after the verdict. Section 3756 provided that application for a new trial must be made within three days after the verdict, report, or decision is rendered. Chapter 11 amends both of these sections increasing the time from three to five days in each instance.<sup>326</sup>

Notice of the time fixed for probate of a will must be made by publication in prescribed manner. It has been possible heretofore, for the court, in its discretion, to vary the notice. This discretionary power was extended by the Thirty-eighth General Assembly to the judge in vacation.<sup>327</sup>

It has been unlawful to bring an action upon any judgment, rendered against a defendant in any court of record

<sup>325</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 338.

<sup>326</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 11.

<sup>327</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 88.

within this State, within fifteen years after the rendition thereof, without leave of the court or a judge thereof; or on a judgment of a justice of the peace within eight years. These provisions were amended to read nine years in each instance. A temporary provision of the Code section was weeded out.<sup>328</sup>

Any person interested may procure from the clerk of any district court in this State a transcript of any conveyance executed by any executor, administrator, guardian, or trustee, which has been recorded in the office of the clerk of the district or circuit courts of the State, and such transcript, properly certified, may be filed in the office of the recorder in the county in which the real estate is situated, and shall have the same effect as the original conveyance.<sup>329</sup>

Prior to 1919, all acknowledgements of instruments made outside the United States, before officers of a foreign country authorized to certify to acknowledgments of written documents, were required to be authenticated by an ambassador, minister, secretary of legation, consul, vice-consul, chargé d'affaires, consular agent, or other officer of the United States in the foreign country. The necessity of such certification was removed by the Thirty-eighth General Assembly, and the certificate of acknowledgment of the foreign officer is declared conclusive evidence that such officer was qualified to so certify.<sup>330</sup>

District court judges have been heretofore empowered to arraign in vacation an accused person prosecuted on information, and require him to plead to the information; but such arraignment and plea have been allowed only in the county in which the information was filed or to which the case may have been sent by change of venue. The law

<sup>328</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 96.

<sup>329</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 166.

<sup>330</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 181.

was changed to allow such process in any other county in the judicial district. The proceedings must be filed with the clerk of the court of the county where the information was filed.

The same condition existed and the same change was made with regard to judgments rendered in vacation on written pleas of guilty. The plea and judgment must be filed, likewise, with the clerk of the court of the county wherein the information was filed. Records so filed have the same effect as if made and entered by the court in the county wherein the information was filed, and commitment or subsequent proceedings shall be had upon the judgment and record from that county.<sup>331</sup>

Extensive amendments were made by the addition of several sections to the law relating to the filing of chattel mortgages, bills of sale, and other instruments affecting the title to or encumbrance of personal property. Filing of instruments by the county recorder shall have the same force and effect as if recorded at length. Duplicates for filing elsewhere may be secured from the county recorder, and must be accepted as evidence in suits at law. Provision is made for extension, release, satisfaction, and final destruction of such instruments; and fees are stipulated for filing and furnishing copies. Chapter 154 of the *Acts of the Thirty-seventh General Assembly* was slightly amended to make it possible for conditional sales to be "filed and deposited" as well as recorded.<sup>332</sup>

The probate powers of the clerk of the district court were extended to include the admission to probate of wills of decedents, when not contested, and the making of necessary orders in relation thereto. Proof may now be made before the clerk in the same manner as in open court. If,

<sup>331</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 229.

<sup>332</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 352.

however, written objections to the probate of a will are filed, the proceeding goes before the district court. Sections 3261 and 3283 of the Code were amended to conform to this provision for action out of court.<sup>333</sup>

Modern business methods forced an amendment to the law of evidence. Chapter 393 provides that any loose leaf or card, or other form of entry in use in the ordinary course of business, when properly identified as an original entry of the account in question, shall be admitted as competent evidence by deposition or in open court. The person whose duties in the ordinary course of the business require a personal knowledge of the records, shall be competent to verify such account.<sup>334</sup>

Witnesses in any court of record, except in the police courts, have heretofore received one dollar and twenty-five cents for each day's attendance. This amount is now increased to two dollars.<sup>335</sup>

The Rathbun pardon case was responsible for the legislation which appears in chapter 68. Courts have been permitted to require grand jury members to disclose the testimony of witnesses before them. The provision was extended to include the clerk of the grand jury or any officer of the court, and the right of compulsion was given to legislative committees authorized to inquire into the conduct or acts of State officers which might form a basis for impeachment proceedings. This was necessary in order that the legislative committee which was investigating the Rathbun pardon might secure information from members of the grand jury, the clerk of the grand jury, and the counsel for the State, who appeared in the grand jury room at Ida Grove.<sup>336</sup>

<sup>333</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 357.

<sup>334</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 393.

<sup>335</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 61.

<sup>336</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 68.

It has been the law that, in appeals, if a judgment against the defendant is reversed and no new trial ordered, the supreme court must direct the prisoner to be discharged, and his bail exonerated or the money refunded. Now, in such cases, the reversal of a judgment against the defendant is to be deemed an order for a new trial unless the supreme court directs that the prisoner be discharged.<sup>337</sup>

Chapter 190 discloses the conservatism of the laws and courts. A belated amendment to section 235 of the Code allows the judge of the district court, in case of sickness or other necessity, to direct adjournment by telephone. Formerly he was restricted to the use of letter or telegram.<sup>338</sup>

It has been impossible to compel witnesses in civil cases to attend a district or superior court outside of the State in which they were served with a subpoena, or at a distance of more than seventy miles from the place of their residence, or from the place where they were served, unless within the same county. The Thirty-eighth General Assembly increased this distance from seventy to one hundred miles, and added a provision that, for good cause, the court or judge might, upon a deposit with the clerk of court of the legal fees and mileage of a witness, compel attendance from a greater distance within the State.<sup>339</sup>

That part of the law which allows either party to take change of venue in cases where private property is to be condemned for the use of the State, was stricken out by the Thirty-eighth General Assembly.<sup>340</sup>

In certain actions, listed in section 3534 of the *Code of Iowa, 1897*, service of original notice may be by pub-

<sup>337</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 117.

<sup>338</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 190.

<sup>339</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 22.

<sup>340</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 189.

lication, when personal service is impossible. It is required that proof of the publication be made by affidavit of the publisher or foreman of the newspaper, which affidavit must be filed. The Thirty-fifth General Assembly legalized affidavits of editors made before January 1, 1911, and made them of the same force and effect as if they had been made and filed by the publisher or foreman; and also legalized decrees obtained prior to said date, under such affidavits. The Thirty-eighth General Assembly included managers and cashiers as well as editors, and advanced the date so that the legalization applies to affidavits and decrees secured prior to January 1, 1917.<sup>841</sup>

Senate File 256 provided for the selection of thirteen jurors instead of twelve, and made it possible, if for any reason one became unable to act, for the action to proceed with twelve. This bill, however, was indefinitely postponed.

Jury commissioners provided for in chapter 267 of the *Acts of the Thirty-seventh General Assembly*, were allowed four dollars a day or fraction thereof, not exceeding two days. The two day limit is removed by the legislation of 1919 and they are allowed actual expenses. Statement of time and expenses must now be approved by a judge of the district court.<sup>842</sup>

Several other amendments to chapter 267 of the *Acts of the Thirty-seventh General Assembly* were found necessary. In case of vacancy in the jury commission created by that act, the judge of the judicial district shall appoint some person to fill out the unexpired term. Jury commissioners are allowed clerical assistance in preparing the jury lists.

The date of the meeting of the jury commission for the

<sup>841</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 89.

<sup>842</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 193.

selection of grand and petit jurors, was changed from the first Monday after the tenth day of November, in each year, to the "second Monday after the general election in each year such election is held, and the first Monday in November in each year in which no general election is held". The number of talesmen drawn at such meeting was changed from twenty per cent of the electors to five hundred.

Lists of grand and petit jurors must now be prepared, certified, sealed, and deposited with the county auditor on or before the first Monday in December instead of the fifteenth day of November as formerly. If, at the time appointed for drawing the petit jury, one of the commissioners is unable to appear, the two remaining commissioners may, in the presence of the county auditor and clerk, proceed to draw the jury. Another amendment makes it definite that the names of grand jurors are to be drawn "by the jury commission".<sup>343</sup>

Amendment to section 269 of the Code made the provisions of that section relative to securing jurors inapplicable in counties having a population exceeding twenty thousand, in which there is a city having a population of fifteen thousand or more. In these counties jurors are drawn by a jury commission, as provided under chapter 267 of the *Acts of the Thirty-seventh General Assembly*. An addition was made to said chapter 267 by making the provisions of the act in relation to the selection and drawing of petit jurors and talesmen for the district courts, apply also to the selection and drawing of petit jurors and talesmen for the superior courts in such counties.<sup>344</sup>

The number of petit jurors is twenty-four unless the court or judge otherwise orders. Since 1886 there has been

<sup>343</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 211.

<sup>344</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 251.



an upper limit of seventy-two, which limit was removed by the Thirty-eighth General Assembly.<sup>345</sup>

One of the most significant changes made by the legislation of 1919 is that relating to the number of jurors to be obtained in criminal cases against whom no cause of challenge has been found to exist, and to the number of peremptory challenges allowed. Formerly challenges for cause continued until twelve jurors were obtained against whom there was no cause for challenge. This number has been increased to sixteen.

Formerly, too, in offenses punishable by death or imprisonment for life, the State and the defendant were each entitled to ten peremptory challenges, in the case of other felonies, to six each, and for misdemeanors, to three each. These have been reduced to eight, four, and one, respectively; but in all instances each party is allowed to strike two jurors, which really makes the number the same. Thus after all challenges for cause and all peremptory challenges have been exhausted, each party must strike two jurors from the list, thus reducing the sixteen members to twelve. The advantage of this is that under the old system, the challenges might all be exhausted, and the juror chosen to fill the vacancy caused by the last challenge might be very objectionable. There could be no recourse. Now, after all challenges are exhausted, there are still four names to be struck from the list, and this difficulty is obviated.<sup>346</sup>

#### WAR MEASURES AND MILITIA

It was, of course, inevitable that a certain amount of war legislation should be enacted by the Thirty-eighth General Assembly. The surprising thing is that there was not more. Several proposals were made for granting bo-

<sup>345</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 223.

<sup>346</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 40.

nuses to Iowa soldiers, but no such bill was actually introduced. Soldiers benefited, however, by several acts. Chapter 28 made provision that certified copies of any public records in the State of Iowa be furnished free to any soldier, sailor, or marine, in service or honorably discharged, or any dependent of such, when needed to perfect claim for United States pension or other claim against the United States government.<sup>347</sup>

On March 1st the Governor approved an act which provides for the recording by county recorders of the final discharge of any soldier, sailor, or marine of the United States. The county recorder shall perform this service free when the record is that of an actual resident of the county. In all other cases the legal fee is charged. These records are to be kept in a special book having an alphabetical index.<sup>348</sup>

On March 14th the Committee on Judiciary introduced a bill repealing the above act (chapter 34) and reënacting the identical words, but with the addition of a publication clause. This repeal and reënactment was rushed through, signed by the Governor on March 17th and became effective on March 19th, whereas chapter 34 would not have become effective until July 4th.<sup>349</sup>

Fifteen thousand dollars was appropriated by the Thirty-seventh General Assembly for a census and inventory of the resources of the State in men and material available for use in the event of war. This sum, however, had not proved sufficient and the Thirty-eighth General Assembly appropriated \$480.05 to meet the deficiency in the fund.<sup>350</sup>

There has been much activity along the line of erecting

<sup>347</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 28.

<sup>348</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 34.

<sup>349</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 62.

<sup>350</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 84.

memorials of various kinds to the honor of Iowa men who fought in the great war. Chapter 170 provides that counties, cities, and towns may purchase or condemn necessary grounds for such building, may purchase and equip, or erect and equip such building, and may issue bonds therefor, and levy a special tax to liquidate the bonds. The building may be an annex to any public building or a reconstruction thereof. A limit of indebtedness is specified and the maturity and interest of bonds are fixed. Special elections for voting on this proposition are provided for, and a majority of the legal voters voting thereon must favor it before such memorial can be erected. An annual tax levy is authorized for maintenance, and gifts and bequests are authorized. In the case of a municipality undertaking such improvements the appointment of a community civic congress, authorized by the Thirty-seventh General Assembly, is made mandatory, its duties being to coöperate with the city or town council with reference to the contemplated memorial building as well as with reference to other community interests as heretofore provided by law.

Special provision is also made by another act (chapter 252) that where any city or town has provided for the erection of a free public library, the county board of supervisors may coöperate with the city or town council in making it a "Soldiers, Sailors and Marines Memorial and Public Library", and levy a tax for the erection and maintenance thereof. County and city coöperate in appointment of trustees. Rooms may be set aside for patriotic organizations or historical museums, and rosters and records of war activities within the county may be prepared under the direction of the trustees.<sup>351</sup>

The provisions of this act are for the same general pur-

<sup>351</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 170, 252.

pose as chapter 170, but the method is materially different. It does not necessitate the levying of any additional taxes, nor the calling of any special elections. Some communities will fight shy of the bond issue provided for in chapter 170, and chapter 252 will enable them without this expense to secure a soldiers' memorial together with a public library which is accessible to the entire county as a community center.

Power is given to the board of parole to recommend final discharge of any paroled prisoner of the State of Iowa, who has during his parole period entered the service of the United States or allied countries, or been employed on public works, by, or for the immediate benefit of the United States in the prosecution of the war, and who has been honorably discharged or released from such service.<sup>352</sup>

Twenty-five thousand dollars is appropriated out of any unexpended balance of the fund appropriated by chapter 207 of the *Acts of the Thirty-seventh General Assembly of Iowa*, for the "use and benefit of Iowa's returning soldiers, sailors and marines, who are ill and temporarily being cared for in hospitals in New York City or other port cities, and for such returning soldiers, sailors and marines who may be discharged on landing in New York City or other coast cities or Chicago, and who may be temporarily detained in said cities on the way home and may be in need of assistance, and for the expense of the establishment of temporary headquarters for such soldiers, sailors and marines in New York City." The act provides for the appointment of a commission to handle this appropriation, said commission to consist of the Adjutant General, a resident of Chicago, and a resident of New York City.<sup>353</sup>

An "Iowa War Roster Commission" is established and

<sup>352</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 219.

<sup>353</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 289.

\$20,000 appropriated for their use in compiling a roster of Iowa men who served in the Mexican border service of 1916 and 1917, and in the World War of 1917, 1918, and 1919. Historical sketches and interesting data relative to Iowa's part in the war shall be included. The Governor and Adjutant General form the Commission, and the compilation is to be done under the direction of the Adjutant General. An edition of 10,000 is to be published.<sup>354</sup>

Armory rent, heat, light, and storage facilities are provided for headquarters companies, machine gun companies, radio companies, and supply companies in the militia. One thousand dollars annually is given each headquarters company, one thousand to each machine gun company, fifteen hundred to each radio company, and eight hundred to each supply company.<sup>355</sup>

The amount of property a soldier or sailor can hold free from tax has been steadily increased during the past few years. Chapter 377 was introduced at the request of the Civil War veterans. Chapter 191 of the *Acts of the Thirty-seventh General Assembly* allowed them exemption of \$1800 actual value; and allowed Spanish-American War veterans exemption of \$500 actual value. The assessed value, according to section 1305 of the Code is 25% of the actual value. Consequently, chapter 377, in giving to the Civil War veteran an exemption of \$700 taxable value, grants an increase from \$1800 to \$2800 actual value. And in allowing to veterans of the war with Spain an exemption of \$300 taxable value, it gives an increase from \$500 to \$1200 actual value.<sup>356</sup>

It is provided, however, that such exemption extends only to the period during which such soldier, sailor, marine,

<sup>354</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 331.

<sup>355</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 362.

<sup>356</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 377.

widow, wife, or minor child thereof, shall remain the owner of the property; and that upon the sale of such property to any person other than one of this class, such exemption shall cease. Earlier laws have classed marines with soldiers. Now they are always mentioned separately.<sup>357</sup>

An interesting pension act appropriates a lump sum of three hundred dollars to one John Miller, as compensation for service of eleven months in the Delaware County Guards, organized by chapter 84 of the *Acts of the Tenth General Assembly* in 1864. Two companies of Delaware County Home Guards were organized under this chapter: one on September 1, 1864, and one on November 14, 1864. There is no record of any activity or service by either company.<sup>358</sup>

#### LEGALIZING ACTS

According to the *Index and History of Senate and House Bills* in the Thirty-eighth General Assembly, thirty-nine legalizing acts were passed in 1919. In addition, some other acts were of a legalizing nature. Thus chapter 277, treated herein under School Laws, is a blanket legalizing act; and chapter 282, which authorizes the independent school district of Bouton in Dallas County, to issue its warrants in excess of the funds available, and which authorizes a tax levy to pay the same, may also be considered a legalizing act. Chapters 135 and 244 are also legalizing in character.

Of the thirty-nine legalizing acts, fifteen legalize bonds, warrants, ordinances, elections, and other acts of cities and towns; eight legalize warrants, bonds, and elections of school districts; three legalize the acts of county supervisors; one legalizes the acts of notaries public; six legalize land patents; four legalize specific corporations; one legal-

<sup>357</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 214.

<sup>358</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 402.

izes the plat of a town; and one legalizes tardy publication of notices of incorporation.

It was necessary to pass two acts to legalize bonds to the amount of \$55,000 issued by the school district of Huron Township, Des Moines County. Chapter six was passed early in the session for that purpose; but the purchaser of the bonds objected, saying that the bill was not broad enough; so chapter 133, dealing with the same matter, was passed.

#### APPROPRIATIONS

Each General Assembly is called upon to make appropriations for the continuance and expansion of State government, for the maintenance of State institutions, for the improvement of State property, and for various other miscellaneous purposes. The amount of revenue for general State purposes is fixed by successive sessions, and out of this comes the money from which most of these appropriations are paid. The amount specified by the Thirty-eighth General Assembly was \$15,800,000 for the biennium.

From a study of the laws alone it is impossible to determine the exact amount of money appropriated for the maintenance of State government. An examination of the accompanying tables will give some idea of the scope of the appropriation acts as well as an approximate idea of the total amount appropriated by the Thirty-eighth General Assembly.

#### TAXATION

Assessors have, prior to 1919, made up their assessor's books in duplicate from the corrected assessment rolls and turned over both copies to the county auditor. The county auditor was required to return one of the books to the clerk of the township, town, or city. Now assessors' books need

APPROPRIATIONS BY THE THIRTY-EIGHTH GENERAL ASSEMBLY			
FOR THE MAINTENANCE OF THE STATE GOVERNMENT AND STATE OFFICES			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
5	Additional legislative employees	\$1933	Monthly during session
18	Fuel, water, light, and emergency expense	\$20,000	Lump sum
81	State Board for Vocational Education	\$2050	Lump sum
230	Board of Educational Examiners	\$25,000 additional	Annually
272	State officers	\$704,320 <sup>359</sup>	Annually for 2 yrs.
273	State and other expenses (omnibus bill)	\$471,230	For the biennium with some lump sum appropriations
284	Dairy and Food Department	\$6000 additional	Annually
287	Commission of Animal Health	\$100,000	Annually
298	Superintendent of Public Instruction	\$2500	Annually
300	Collection of inheritance tax	\$15,000	Annually
305	State Entomologist	Amount necessary	
327	State peace officers	\$12,500 additional	Annually
329	Petroleum Inspector	\$6000 additional	Annually
337	State Board for Vocational Education	\$6500 additional	Annually
358	State Railroad Commission	\$85,700	Lump sum
361	State Highway Commission	\$1000 additional to each member	Annually
363	Weather and Crop Service Bureau	\$1000 additional	Annually

<sup>359</sup> Maximum salaries were used in making this total. No per diem salaries are included.



**THE THIRTY-EIGHTH GENERAL ASSEMBLY 603**

CHAPTER	FOR WHAT	AMOUNT	PERIOD
365	Secretary of State Board of Agriculture	\$500 additional	Annually
365	Treasurer of State Board of Agriculture	\$150 additional	Annually
365	Members of State Board of Agriculture	\$6 additional per diem	
388	State Board of Health	\$10,000 additional	Annually
<b>FOR SUPPORT AND MAINTENANCE OF STATE INSTITUTIONS</b>			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
37	State Hospitals for Insane	\$7 to \$8 additional per inmate	Monthly
37	Soldiers' Home (general support)	\$7 additional per member	Monthly
37	Institution for Feeble-minded Children (general support)	\$5 additional per inmate	Monthly
37	Penitentiary (general support)	\$5.50 to \$6 additional per prisoner	Monthly
37	Men's Reformatory (general support)	\$5.50 to \$6 additional per prisoner	Monthly
37	Soldiers' Orphans' Home (general support)	\$11 additional per child	Monthly
37	Training School for Boys at Eldora (general support)	\$8 additional per child	Monthly
37	State Tuberculosis Sanatorium (general support)	\$5 additional per patient	Monthly
37	Women's Reformatory (general support)	\$9 additional per inmate	Monthly
37	State Colony for Epileptics (general support)	\$9 additional per inmate	Monthly
75	Increase in salary of Superintendent of Institution for Feeble-minded Children	\$600	Annually

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CHAPTER	FOR WHAT	AMOUNT	PERIOD
105	State agents for institutions under Board of Control	\$5000 additional	Annually
119	Completion of water works of State Hospital, Cherokee	\$23,000	Lump sum
126	Land and improvements for State fair grounds	\$63,000	Lump sum
132	Cattle barn for State fair grounds	\$150,000	Lump sum
165	Juvenile Home	\$108,700	Lump sum
186	Training School for Girls, cottage	\$40,000	Lump sum
191	Laboratory and X-ray machine (Oakdale)	\$28,000	Lump sum
204	State institutions under Board of Control	\$834,150	Biennium
235	Psychopathic Hospital, State University	\$175,000 for erection \$9000 for support	Lump sum Monthly
264	School for the Deaf	\$22,500	Lump sum
294	Spur track to Iowa Soldiers' Home	\$23,000	Lump sum
307	Increase in salary of Commandant of Iowa Soldiers' Home	\$800 additional	Annually
308	Inspection of Hospitals for Insane	\$1000 additional	Annually
367	Medical Department of State Library	\$4000	Annually
375	State University of Iowa	\$372,500 \$125,000	Annually for 2 yrs. Biennium
375	Iowa State College	\$317,000 \$141,000	Annually for 2 yrs. Biennium
375	Teachers College	\$154,500 \$5000	Annually for 2 yrs. Biennium
375	College for the Blind	\$16,000 \$12,000	Annually for 2 yrs. Biennium

**THE THIRTY-EIGHTH GENERAL ASSEMBLY 605**

CHAPTER	FOR WHAT	AMOUNT	PERIOD
375	School for the Deaf	\$90,500 \$74,000	Annually for 2 yrs. Biennium
390	Increase in salary of Superintendent of Soldiers' Orphans' Home	\$600 additional	Annually
390	Increase in salary of Superintendent of Girls Industrial School	\$200 additional	Annually
403	State University, dormitory and nurses home	\$180,000	Lump sum
403	Iowa State College, library	\$300,000	Lump sum
411	State University, buildings	\$177,000	Lump sum
411	Iowa State College, buildings	\$170,000	Lump sum
<b>FOR THE IMPROVEMENT OF STATE PROPERTY</b>			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
226	Paving at Hospital for Insane, Cherokee	\$37,000	Lump sum Lump sum
269	Paving road at Spirit Lake	\$12,000	
400	Improvement of State highways	Amount necessary	
401	Paving road at School for the Deaf	Enough to make \$22,000 when added to unused appropriation	
<b>FOR MILITARY PURPOSES AND STATE MILITIA</b>			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
84	To meet deficiency, State census of resources	\$480.05	Lump sum
276	Election expenses in military camps	\$1200	Lump sum
289	Returned soldiers	\$25,000	Lump sum
331	War Roster Commission	\$20,000	Lump sum
362	State militia companies	\$4300 additional	Annually

TO SATISFY CLAIMS			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
90	P. K. Holbrook as member of State Board of Education	\$561.52	Lump sum
359	Charles W. Mullan (expenses as judge)	\$209.66	Lump sum
360	Survey of river bed in East Omaha	\$67.00	Lump sum
402	John Miller (services in Delaware County Guards)	\$300.00	Lump sum
404	Roy Harrison (injuries)	\$750.00	Lump sum
FOR MISCELLANEOUS PURPOSES			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
9	Inaugural ceremonies	\$567.25	Lump sum
39	State-Federal employment bureau	\$6000 transferred from amount appropriated in Ch. 207 of 37th G. A.	
50	Code Commission	Amount necessary	
120	Education of deaf and blind children	Amount necessary	
233	Farmers Institute of Franklin County	\$75	Lump sum
279	State Poultry Association	\$500	Annually
279	County poultry associations	\$100 each	Annually
291	Consolidated schools	\$50,000 additional	Annually
299	Public health (elimination of venereal diseases)	\$15,000	Annually for 1919 and 1920
322	Mechanical system of vote registration for House of Representatives	\$18,000	Lump sum

CHAPTER	FOR WHAT	AMOUNT	PERIOD
337	State aid for vocational education	\$40,000 for year ending June 30, 1920 \$50,000 for year ending June 30, 1921	
349	Judiciary and Library Building	\$750,000 to \$1,000,000 out of funds already appropriated	Lump sum
350	Dairy, beef cattle, corn and small grain growing industries	\$32,500	Lump sum
354	Agricultural training for school children	\$2000	Lump sum
364	Rural schools	\$100,000	Annually
368	Public State parks fund	Approximately \$100,000 additional	Annually
373	Schools in coal mining camps	\$50,000	Biennium
395	Horticultural Exposition	\$8000	Annually
409	State accountancy	Amount necessary	

not be prepared in duplicate; but the assessor shall furnish to the city, town, or township clerk a list of all persons subject to poll tax.<sup>360</sup>

In townships wholly included within city limits, as well as in the parts of any township included within city limits, the town or city council constitutes the board of review for the equalization of taxes. The Thirty-eighth General Assembly added a provision, which applies to townships having a population of twenty thousand or more, and situated entirely within the limits of a city under special charter,

<sup>360</sup> *Acts of the Thirty-eighth General Assembly, Ch. 385.*

and to cities under special charter having a population of twenty thousand or more. Here, if the city council fails to act as a board of review, the township trustees may act as such. Equalizations so made are legalized. This addition was made for the benefit of Dubuque.<sup>361</sup>

When street improvements are to be made, for which lots or parcels of land are to be assessed, it has been the law that a plat of the land must be prepared and filed by the city council, showing the land subject to assessment. Notice of the filing of such plat must be made by publication; but if no newspaper is published within the town, it has been required that notices be posted in three public places, two of which shall be the post office and the mayor's office. The provision is now made that, for towns where there is no post office, notice may be posted in such public place as the city council may designate.<sup>362</sup>

The General Assembly fixes the amount of revenue to be provided by levy for general State purposes each biennium. This sum was fixed by the Thirty-eighth General Assembly at \$7,900,000 for 1919, and a like amount for 1920.<sup>363</sup>

It was made the duty of the Treasurer of State to enforce the collection of the delinquent collateral inheritance tax. He is empowered to employ such assistance and at such salaries as may be necessary. An amount sufficient to pay the salaries and expenses of such assistants, not to exceed fifteen thousand dollars annually, was appropriated.<sup>364</sup>

For the purpose of defraying general and incidental expenses, city and town councils levy an annual tax of not over ten mills on the dollar. The General Assembly in 1919 authorized the council of each city and town to levy an

<sup>361</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 244.

<sup>362</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 386.

<sup>363</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 376.

<sup>364</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 300.

additional tax for the year 1919 and the year 1920, not exceeding two mills on the dollar, for the purpose of meeting any deficiency in or inadequacy of this ten mill levy.<sup>365</sup>

The Iowa Code provides that certain classes of property shall not be taxed. One of these is the "farm produce of the person assessed, harvested by him". This is amended to read "harvested by or for him".<sup>366</sup>

Rates of taxation for public purposes within each taxing district are estimated and based upon the adjusted taxable valuation for the year preceding. When these valuations have been adjusted by the various boards, the county auditor computes such a rate as will raise the required amount within the taxing district. Formerly this required amount was the absolute upper limit; but the legislation of 1919 makes it possible for the county auditor, in fixing the rate of taxation, to provide for an excess in the amount to be raised not exceeding five per cent of the amount of the tax, for the purpose of meeting possible shrinkage due to exemptions or other causes.<sup>367</sup>

The Thirty-eighth General Assembly authorized the voting and levying of a tax upon real estate contiguous to a railroad which has been heretofore constructed and the operation of which has been abandoned, to aid in the reconstruction, improvement, repair, or maintenance of such railroad. A petition signed by a majority of the resident freehold taxpayers of the district affected must be presented, asking for an election on the question of such taxation, which can not exceed five per cent of the assessed value of the property within the district. Provision is made for a special election, for the payment of the expenses thereof, and for the collection of the tax.<sup>368</sup>

<sup>365</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 263.

<sup>366</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 115.

<sup>367</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 57.

<sup>368</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 328.

## MISCELLANEOUS ENACTMENTS

Two acts of the Thirty-eighth General Assembly change the boundaries of the capitol grounds extension area. By chapter 381, the western boundary is extended up Pennsylvania Avenue to Grand Avenue, and thence east along Grand Avenue to the intersection with the original boundary line, one hundred and thirty feet west of the west line of East Ninth Street. Chapter 306 adds a plot between Vine Street and the railway right-of-way.<sup>369</sup>

The State board of control was authorized to enter into contracts of lease, allowing lessees to mine and remove the coal from under all that portion of the present State fair ground lying east of a line running north and south two hundred feet east of the present poultry building. No coal shall be mined within two hundred feet of any building on the leased premises, and no opening shall be made thereon. Moneys received through such contracts become a part of the general fund of the State.<sup>370</sup>

Personal earnings of a debtor, who is a resident of the State, and the head of a family, as well as the earnings of his family, for a period within ninety days next preceding the levy, have been, since 1851, exempt from liability for debt in Iowa. Chapter 65, however, amends the law by providing that the personal earnings of the debtor shall not be exempt from any order, judgment, or decree for temporary or permanent alimony, where the party in whose favor the decree was rendered has not re-married, nor from any order, judgment, or decree for the support of his minor child or children, nor for any installment of either such order, judgment, or decree.<sup>371</sup>

If the principal or income derived from the property of

<sup>369</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 306, 381.

<sup>370</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 188.

<sup>371</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 65.



an extinct religious society is not used in the locality where the extinct society was situated within five years from the date of sale or disposition of such property, it may now be used for building or improving other property of the denomination within the presbytery, synod, conference, diocese, or district.<sup>372</sup>

Investment of cemetery trust funds has heretofore been limited to gilt-edged first mortgages on Iowa real estate. Trustees of such funds may now invest in government bonds of the United States at their marketable value.<sup>373</sup>

The bounty allowed on the skin of an adult wolf was decreased from twenty dollars to ten.<sup>374</sup>

Chapter 410 was introduced and passed at the request of the United States Coast and Geodetic Survey. Under this law any person employed in the execution of any survey authorized by the Congress of the United States, may enter upon lands within the State for that purpose, may establish permanent station marks, and erect necessary signals, and temporary observatories. If the amount to be paid for damages can not be agreed upon, the district court may be petitioned for hearing and assessment of damages. Persons who willfully deface, injure, or remove any of the signals, monuments, or buildings, or other property of the United States geodetic or geological surveys, shall forfeit a sum of fifty dollars for each offense and be liable for civil damages sustained by the United States.<sup>375</sup>

Nineteen States already had laws of this character. The statute adopted by Minnesota in 1889 was recommended as one which "seems to cover all of the points involved in a clear and concise way" and it was taken over almost word

<sup>372</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 102.

<sup>373</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 55.

<sup>374</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 249.

<sup>375</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 410.

for word; except that the Iowa law includes the Geological Survey as well as the Geodetic Survey. By a typographical slip the word "no" was omitted, whereby surveyors are permitted in Iowa to do "unnecessary injury".

An enactment of the Thirty-fifth General Assembly provided that whenever it might become necessary in grading the highways to make a cut which would disturb or destroy, or a fill which would cover up a government or other established corner, it should be the duty of the county engineer to establish permanent witness corners, and to make a record of them, showing the distance and direction the witness corner is from the corner disturbed or covered up. The Thirty-eighth General Assembly added a provision that when the construction work is completed the engineer shall under penalty of fine permanently reestablish the original corner. Formerly the law fixed a fine for the failure of the engineer to establish witness corners. Under the new legislation liability to the fine is incurred by any person responsible for the removal, destruction, or covering up of any government or other established corner — presumably without taking the precautions provided above.<sup>376</sup>

JOHN E. BRIGGS

CYRIL B. UPHAM

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY IOWA

<sup>376</sup> *Acts of the Thirty-eighth General Assembly, Ch. 405.*

## SOME PUBLICATIONS

*Evolution and Mystery in the Discovery of America*, by Edwin Swift Balch, and *The Application of Sanitary Science to the Great War in the Zone of the Army*, by Bailey K. Ashford, are papers which appeared in recent numbers of the *Proceedings of the American Philosophical Society*.

*The Hayes-Conkling Controversy, 1877-1879*, a monograph by Venila Lovina Shores, is published in the July issue of the *Smith College Studies in History*.

The *Proceedings of the Academy of Political Science in the City of New York* for July is devoted to a series of articles on *The League of Nations Covenant*, edited by Samuel McCune Lindsay.

*The Employment of Negroes as Soldiers in the Confederate Army*, by Charles H. Wesley, *The Legal Status of Free Negroes and Slaves in Tennessee*, by William Lloyd Imes, and *Negro Life and History in the Schools*, by C. G. Woodson, are three articles which appear in *The Journal of Negro History* for July.

Harvey E. Fehr is the author of a short article on the *Des Moines Union Meeting* which is printed in the *Locomotive Engineers Journal* for August.

*The Rising Tide of Social Unrest*, by H. G. Moulton, *The Peace, from a Cracker Barrel*, by Henry Noble MacCracken, *The League of Nations*, by Charles Seymour, *American Scholarship*, by Frederick E. Pierce, and *The Birth of Democracy*, by Charles Foster Kent, are among the papers found in *The Yale Review* for October.

*The Functions of Wampum Among the Eastern Algonkian*, a monograph by Frank G. Speck, appears in the January-March issue of the *Memoirs of the American Anthropological Association*.

*The Scope of the New Iowa State Housing Law*, by Curtis W. Reese, and *Minnesota Proposes a Memorial Hall*, by O. B. McClintock,

tock, are short articles which appear in *The American City* for September.

*The New Government in Germany*, by Walter James Shepard, is one of the articles to be found in the August number of *The American Political Science Review*. *Legislative Notes and Reviews*, by Charles Kettleborough, *Judicial Decisions on Public Law*, by Robert E. Cushman, and *Notes on International Affairs*, by Charles G. Fenwick, are included in the number.

*The Quarterly Journal of Economics* for August contains the following articles: *Federal Operation of Railroads During the War*, by Frank Haigh Dixon; *Normal Price as a Market Concept*, by E. G. Nourse; *On Stabilizing the Dollar*, by Edward T. Peters; and *Government Control of Sugar During the War*, by Joshua Bernhardt.

The July issue of *The Annals of the American Academy of Political and Social Science* is devoted to *International Reconstruction*. The general theme in the number for September is *Modern Manufacturing: a Partnership of Idealism and Common Sense*.

The *Thirty-second Annual Report of the Bureau of American Ethnology*, for 1910-1911, is devoted to *Seneca Fiction, Legends, and Myths*, collected by Jeremiah Curtin and J. N. B. Hewitt, and edited by J. N. B. Hewitt.

Volumes seventeen and eighteen of the *Archives of Maryland* contain collections of the laws of Maryland for the years 1694 to 1732, edited by Bernard Christian Steiner.

*The Good National Budget Bill*, by W. F. Willoughby, and *The Work of the Reconstruction Legislatures*, by Frederick Rex and Richard S. Childs, are articles which appear in the July issue of the *National Municipal Review*. In the number for August, Eulogio B. Rodriguez writes of *Electric Voting in the Wisconsin Legislature* and A. E. Buck discusses *The Present Status of the Executive Budget in the State Governments*.

*The Millennial City*, by Ralph A. Graves, and *The Azores: Transatlantic Aviators' Half-way House*, by Arminius T. Haeberle, are among the articles found in the June number of *The National Geo-*

*graphic Magazine*. In the issue for July, William Howard Taft writes of *The Progressive World Struggle of the Jews for Civil Equality* and Roy C. Andrews contributes a paper on *Exploring Unknown Corners of the Hermit Kingdom*. The August number contains an article on *The Geography of Games*, by J. R. Hildebrand, and one entitled *Between Massacres in Van*, by Maynard Owen Williams. *The Shattered Capitals of Central America*, by Herbert J. Spinden, *Shantung — China's Holy Land*, by Charles K. Edmunds, and *America's South Sea Soldiers*, by Lorena MacIntyre Quinn, are among the articles which make up the September number.

#### WESTERN AMERICANA

Fred L. Holmes is the author of a volume entitled *Wisconsin's War Record* which he says "is not Wisconsin's History in the Great War" but rather an attempt to furnish information as to Wisconsin's part in the war. In addition to the twenty-two chapters of subject matter, the volume contains a table of contents and a serviceable index which give a survey of the activities within the State.

The University of Michigan has recently published *A Catalogue of The Dr. Samuel A. Jones Carlyle Collection*, compiled by Mary Eunice Wead.

*Minnesota's Proposed Road System* is the title of a brief paper published in the August number of *The Road-Maker*.

*An Archeological Survey of Adams County, Wisconsin*, by H. E. Cole and H. A. Smythe, has been published in the April number of *The Wisconsin Archeologist*.

*Municipal Bonds and Bond Issues*, by W. P. Dumas; *Effective Fire Department Organization*, by E. L. Wells, Jr.; and *Municipal Reference Library Service for Cities*, by Elizabeth H. West, are three papers which appear in *Texas Municipalities* for May-July.

*Whitman Once More*, by Gottfried Emanuel Hult, *Co-operative Educational Research in North Dakota*, by John W. Todd, *An Americanization Program for the Schools*, by George R. Davies,

and *The University and National Progress*, by John Bartholomew Spence, are four of the papers in *The Quarterly Journal of the University of North Dakota* for July.

A number of tributes to Benjamin Ide Wheeler, retiring president of the University of California, are to be found in *The University of California Chronicle* for July. Other papers are the following: *Some Lessons of the War*, by Charles Mills Gayley; *An Invasion of Hun-Land with the Army of Occupation*, by Lester C. Uren; and *The French Mines and the War*, by Frank H. Probert.

*The Housing Problem In Portland*, by Thomas Adams, and *Financing State Enterprises*, by A. L. Mills, are two articles found in the April number of *The Commonwealth Review of the University of Oregon*.

*Wisconsin in the World War* is the title of a volume by R. B. Pixley which was recently published by the Wisconsin War History Company of Milwaukee. As its name implies the book is devoted to the various war activities carried on in Wisconsin during the period of the war and among the subjects discussed in the twenty-two chapters are the following: the military mobilization, the State Council of National Defense, the food administration, the fuel administration, women in the war, financial drives, welfare work, the Red Cross, and publicity activities. A vast amount of State and local history has been collected in the volume but its usefulness is somewhat lessened by the lack of a table of contents and a satisfactory index.

#### IOWANA

*A History of the War Activities of Scott County, Iowa, 1917-1918*, edited by Ralph W. Cram, and published by the Scott County Council of National Defense, has recently appeared. It is dedicated "by the war workers of Scott County to those who bore arms in their stead, and to those who, in camp and cantonment, on the high seas and on the battle-fields of the Great War made the great sacrifice that the freedom of the world might be preserved." The volume contains one hundred and forty-five pages.

*The Quarterly Bulletin of the Iowa Masonic Library* for July

contains the proceedings of the seventy-sixth annual convention of the Grand Lodge of Iowa, held at Cedar Rapids in June, 1919.

*A Defense of "Y" Work*, by John L. M'Leish, is one of the papers to be found in *The American Freemason* for July-August.

*An Appreciation of Heman C. Smith*, by Heman Hale Smith, continuations of *Distinguished Women*, by Heman C. Smith, and *Early Days on Grand River, and the Mormon War*, by Rollin J. Britton, are contributions to the *Journal of History* for July.

*The Honor Roll of Worth County* is the title of the county war history published by *The Northwood Anchor*.

*The Thirtieth Anniversary of the Law Class of '89 and its Reunion at Iowa City, June 15 and 16, 1919*, is the title of a pamphlet recently published by the class.

The first volume of *Drake University Studies* contains a monograph by Paul Walton Black on *Some Sociological Aspects of Lynchings in Iowa*.

Three articles which appear in the July number of *The Iowa Alumnus* are the following: *A Notable Commencement*, by Grace Partridge Smith; *The Pitch Range Audiometer*, by Mabel Clare Williams; and *Eloquence — What Is It?*, by George L. Glick.

*The Iowa Magazine* for July contains a number of papers, among which are the following: *A Few of Iowa's Splendid Park Sites; Former Iowan Governor of Illinois; Can Rural Districts Afford Hard Roads?*, by Joe Long; and *Who Is Hawkeye Club of Chicago?* In the August number, Sidney B. Vincent writes of *Simon Benson, the Western Pioneer*, and there are papers on *A Crisis for Iowa Button Industry* and the *Des Moines County Proposed Memorial*.

The August issue of *American Municipalities* contains a discussion of *Municipal Tax Levies in Iowa* and a paper on *War Memorials*, by Andrew Wright Crawford and J. Horace McFarland. In the September number is included a preliminary program for the meeting of the League of Iowa Municipalities at Muscatine, September 16-18. There is also a paper by J. B. Hill on *Principles Determining Electric Rates*.

*Federal Farm Loan Law in Practice*, by G. M. Titus, is one of the papers in the July number of *The Northwestern Banker*. In the August issue E. B. Wilson contributes a short paper on *New Business for the Country Bank*. Two papers in the September number are: *Debts of U. S., Allies and Germany*, by Harvey E. Fisk; and *Farm Building and Farm Buildings*, by W. A. Wilkinson.

*The Journal of the Iowa State Medical Society* for August contains a fourth installment of D. S. Fairchild's history of medicine in Iowa. This chapter deals with the *Medical Department of Iowa State University at Iowa City*. There is also a discussion of *Illiteracy in the United States* and an address by Martin J. Wade. The September issue contains an article on *The Iowa Medical Profession in the Great War*.

In the January-March number of *Iowa Conservation* there are papers on the following topics of general interest: *Historical Sketch of the Park Region About McGregor, Iowa, and Prairie Du Chien, Wisconsin*, by Althea R. Sherman; *What the Legislature Did with Reference to State Parks in Iowa*, by L. H. Pammel; *Women's Clubs and Conservation*, by Mrs. C. H. McNider; and *A Method of Preserving Places of Historical and Natural Interest*, by G. Perle Wilson Schmidt. In the following number B. J. Horchem writes of *Parks and Country Life*, and there is a continuation of Miss Sherman's article on the park region about McGregor.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aldrich, Bess Streeter,

*Mother's Excitement Over Father's Old Sweetheart* (The American Magazine, July, 1919).

*Long-distance Call from Jim* (The American Magazine, August, 1919).

Bess, Elmer Allen,

*Modern Mission of the Small College* (School and Society, June 7, 1919).



- Betts, George Herbert,  
*How to Teach Religion; Principles and Methods.* New York:  
Abingdon Press. 1919.
- Briggs, John Ely,  
*William Peters Hepburn.* Iowa City: The State Historical  
Society of Iowa. 1919.
- Butler, Ellis Parker,  
*Getting Material* (The Bookman, June, 1919).
- Catt, Carrie Chapman,  
*Women Voters at the Crossroads* (The Public, May 31, 1919).
- Carver, Thomas Nixon,  
*Government Control of the Liquor Business in Great Britain  
and the United States.* New York: Carnegie Endowment  
for International Peace. 1919.
- Colegrove, Kenneth,  
*New Era in World Morality* (World's Work, June, 1919).
- Cummins, Albert Baird,  
*The Railroad Problem.* Washington: Government Printing  
Office. 1919.  
*The Railway Problem* (The Review of Reviews, July, 1919).
- Darling, Jay Norwood,  
*Why I Wouldn't Trade Des Moines for New York* (The Amer-  
ican Magazine, July, 1919).
- Devine, Edward Thomas, (Joint author)  
*Disabled Soldiers and Sailors Pensions and Training.* New  
York: Oxford University Press. 1919.  
*Social Reconstruction* (The Survey, June 7, 1919).
- Farr, Clifford H.,  
*Ferns of the Rain-forest* (Scientific Monthly, July, 1919).
- Ferber, Edna,  
*April 25th as Usual* (Ladies' Home Journal, July, 1919).
- Ficke, Arthur Davison,  
*Before Summer* (poem) (Scribner's Magazine, May, 1919, and  
The Literary Digest, June 28, 1919).

Gillin, John Lewis,

*Origin of Democracy* (American Journal of Sociology, May, 1919).

Herron, George Davis,

*The Greater War*. New York: Mitchell Kennerley. 1919.

Horn, Ernest,

*Application of Scientific Methods to Making the Course of Study in Civics* (Elementary School Journal, June, 1919).

Hornaday, William Temple,

*Great Pheasant Monograph* (Country Life, July, 1919):

*The Lying Lure of Bolshevism*. New York: American Defense Society. 1919.

Hough, Emerson,

*The Passing of the Frontier*. New Haven: Yale University Press. 1919.

*Traveling the Old Trails* (The Saturday Evening Post, August 2, 1919).

Knipe, Emilie Benson, and Alden Arthur,

*Vive la France*. New York: Century Co. 1919.

Mounts, Lewis Hendrix,

*Dependents, Defectives and Delinquents in Iowa: a Study of the Sources of Social Infection*. Iowa City: The State University of Iowa. 1919.

Parrish, Randall,

*The Devil's Own*. New York: A. L. Burt Co. 1919.

Patrick, G. T. W.,

*Our Centrifugal Society* (Natural History, July, 1919).

Quaife, Milo Milton,

*The Movement for Statehood*. Madison: State Historical Society of Wisconsin. 1919.

*Pictures of Illinois One Hundred Years Ago*. Chicago: R. R. Donnelley & Sons. 1919.

Quick, John Herbert,

*Bulwark for Civilization* (The Public, July 12, 1919).

*To Our Imperial Voteresses* (The Saturday Evening Post, September 27, 1919).

- Our Daily Bread* (The Saturday Evening Post, July 26, 1919).  
Reed, James A.,  
*Racial Equality and the League of Nations*. Washington:  
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SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Sixty-fifth anniversary of the Maquoketa Sentinel, in the *Maquoketa Sentinel*, July 1, 1919.

Across the plains in '64, by W. G. Davis, in the *Centerville Iowegian*, July 1, 1919, and following.

Eightieth birthday of Methodism in Des Moines County, in the *Burlington Hawk-Eye*, July 2, 1919.

Sketch of the life of Amos Pingrey, in the *Estherville Democrat*, July 2, 1919.

Fiftieth anniversary of St. Mark's Episcopal Church of Nashua, in the *Nashua Post*, July 3, 1919.

Sketch of the life of John Headlee, in the *Guthrie Center Guthrian*, July 3, 1919.

Monona in the early days, by Oscar Collins, in the *Monona Leader*, July 3, 1919.

The Farwell ranch, in the *Brooklyn Chronicle*, July 3, 1919.

Some early history of Grundy County, by E. H. Beckman, in the *Grundy Center Republican*, July 3, 10, 17, 24, and 31, and August 7, 1919.

Romance of old Keokuk history, by E. M. Ingersoll, in the *Keokuk Gate-City*, July 7 and 8, 1919.

Casket making in Webster City, by J. D. Sketchley, in the *Webster City Journal*, July 9, 1919.

William C. Cathey, Mexican War veteran, in the *Estherville Republican* and the *Clarion Monitor*, July 9, 1919.

Tribute to Philo Hall, by Thomas McManus, in the *Greene Recorder*, July 9, 1919

Sketch of the life of Eli Manning, in the *Clarion Monitor* and the *Estherville Republican*, July 9, 1919, and the *Humboldt Independent* and *Fontanelle Observer*, July 10, 1919.

Abraham Lincoln's interest in Council Bluffs, in the *Estherville Republican*, July 9, 1919.

An ancient farmhouse, in the *Hamburg Reporter*, July 10, 1919.

The oldest church in Storm Lake, in the *Storm Lake Register*, July 10, 1919.

Iowa's largest boulder, in the *Nashua Reporter*, July 10, 1919.

Cass County memorial to soldiers of past wars, in the *Atlantic News*, July 10, 1919.

Sketch of the life of John McCormick, in the *West Bend Journal*, July 10, 1919.

Reminiscences of pioneer days, by George Magruder, in the *Lone Tree Reporter*, July 10, 1919.

James G. Berryhill and the "Des Moines plan" of city government, in the *Des Moines Capital*, July 10, 1919.

Pioneers of transportation in Cedar Rapids, in the *Cedar Rapids Republican*, July 13, 1919.

Sketch of the life of Mrs. Lydia Kimball, in the *Waterloo Courier*, July 14, 1919, and the *Iowa City Press*, July 17, 1919.

Reminiscences of pioneer days, by George Read, in the *Oskaloosa Herald*, July 16, 1919.

Old Marion County, by Jasper Olney, in the *Knoxville Express*, July 16, 1919.

The oldest member of the American Legion in Iowa — W. O. Lowery, in the *Jefferson Bee*, July 16, 1919.

The oldest members of the Iowa State Bar Association — James O. Crosby and R. Lewis, in the *Winterset News*, July 16, 1919.

News of sixty years ago, in the *Bloomfield Republican*, July 17, 1919.

Dedication of soldiers' monument at Keosauqua in 1868, in the *Keosauqua Republican*, July 17, 1919.

John McDermott, an old Indian fighter, in the *Sioux City Journal*, July 17, 1919.

Sketch of the life of Jacob Admire, in the *Chariton Leader*, July 17, 1919.

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How Lost Branch got its name, in the *Chariton Leader*, July 17, 1919.

Eddyville's oldest citizen, Mrs. Catherine Cockrell, in the *Eddyville Tribune*, July 18, 1919.

Sketch of the life of Henry Newton Spry, in the *Eddyville Tribune*, July 18, 1919.

Sketch of the life of James T. Stanley, in the *Grinnell Herald*, July 18, 1919.

First settlers in Etna Township, in the *Iowa Falls Citizen*, July 18, 1919.

Sketch of the life of George A. Lincoln, in the *Cedar Rapids Republican*, July 20, 1919.

Reynolds Moreton — one of the founders of the English Colony at Le Mars, in the *Marshalltown Times-Republican*, July 21, 1919, and the *Pocahontas Democrat*, July 24, 1919.

Sketch of the life of Fred Frederickson, in the *Burlington Hawk-Eye*, July 22, 1919.

M. L. Woodbridge's business record, in the *Nashua Reporter*, July 24, 1919.

Sketch of the life of Edward Pickett Kimball, in the *Waterloo Courier*, July 24, 1919.

Old papers of Red Oak, in the *Red Oak Express*, July 24, 1919.

Sketch of the life of John Mahin, in the *Centerville Iowegian*, the *Des Moines Register*, and the *Des Moines Capital*, July 25, 1919.

Points of historical interest on the Red Ball Route, in the *Cedar Rapids Republican*, July 27, 1919.

Sketch of the life of Mrs. Catherine Gross, in the *Greens Recorder*, July 30, 1919.

Sketch of the life of Peter Brommeschenkel, in the *Harlan Republican*, July 31, 1919.

Sketch of the life of H. C. Clock, in the *Hampton Chronicle*, July 31, 1919.

Historical sketch of McGregor region, by Althea R. Sherman, in the *Thornton Enterprise*, August 1, 1919.

- Sketch of the life of Sven John Peterson, in the *Burlington Hawk-Eye*, August 3, 1919.
- Reynolds Moreton, one of the founders of the English Colony at Le Mars, in the *Cherokee Times*, August 5, 1919.
- Early history of Prairie City, in the *Prairie City News*, August 6, 1919.
- Life in pioneer days, in the *Clearfield Enterprise*, August 7, 1919.
- News of Davis County sixty years ago, in the *Bloomfield Republican*, August 7, 1919.
- Sketch of the life of Tacitus Hussey, in the *Des Moines Tribune*, August 9, 1919, and the *Des Moines Register*, August 10, 1919.
- "The Fighting Fourth", in the *Des Moines Register*, August 10, 1919.
- Sketch of the life of Mrs. Helen Larrabee Robbins, in the *Cedar Rapids Republican*, August 10, 1919.
- Sketch of the life of O. E. Mullarky, the first white child born in Cedar Falls, in the *Cedar Falls Record*, August 11, 1919.
- Ben F. Horton, pioneer railroad man, in the *Burlington Hawk-Eye*, August 12, 1919.
- The struggle of Bremer County to secure railroads, by W. V. Lucas, in the *Waverly Democrat*, August 13, 1919.
- John W. Jayne, the founder of Lone Tree, in the *Muscatine Journal*, August 14, 1919.
- Tama and Toledo in by-gone days, by F. J. M. Wonser, in the *Tama News*, August 14, 21, and 28, 1919.
- First State fair held at Fairfield, in the *Creston Advertiser*, August 14, 1919.
- The victory powwow at Tama, by Frank D. Wasson, in the *Des Moines Capital*, August 17, 1919.
- Old deeds filed at Eldora, in the *Marshalltown Times-Republican*, August 19, 1919.
- Sketch of the life of James M. Rice, in the *Dows Advocate*, August 21, 1919.
- Hardin County's early history, by Charles L. Hays, in the *Eldora Herald*, August 21, 1919.

A relic of Revolutionary days, in the *Cedar Falls Record*, August 23, 1919.

Early days on the Cedar River, by G. L. Fox, in the *Cedar Rapids Republican*, August 24, 1919.

"Scoopendike", oldest Indian resident of Iowa, in the *Burlington Hawk-Eye*, August 26, 1919.

The passing of Hat Grove, by C. L. Lucas, in the *Madrid News*, August 28, 1919.

Sketch of the life of Isaiah C. McConnell, in the *Burlington Hawk-Eye*, August 31, 1919.

Sketch of the life of James Bradley Orman, in the *Bayard Bulletin*, September 4, 1919.

Indian mounds near Estherville, in the *Ringsted Dispatch*, September 4, 1919.

News of sixty years ago, in the *Bloomfield Republican*, September 4, 1919.

Burning of the Glendale mills on Skunk River, in the *Oskaloosa Times*, September 5, 1919.

Sketch of the life of E. E. Lewis in the *Sioux City Tribune*, September 6, 8, and 11, 1919.

Sketch of the life of H. C. Clock, in the *Hampton Recorder*, September 10, 1919.

Gypsy burying ground in Kossuth County, in the *Garner Democrat*, September 11, 1919.

Sketch of the life of Mrs. Samuel Benjamin, in the *Algona Advance*, September 11, 1919.

Recent history of Jefferson County, in the *Fairfield Tribune*, September 12, 1919.

An old Indian battle-ground at Goose Lake, in the *Mason City Gazette*, September 16, 1919, the *Perry Chief*, September 18, 1919, and the *Des Moines Register*, September 18, 1919.

An Iowan governor of Oklahoma—J. B. A. Robertson, in the *Sigourney Review*, September 17, 1919.

Sketch of the life of Levi Shepard, in the *Eldora Herald*, September 18, 1919.



- Sketch of the life of John A. Maxwell, in the *Spirit Lake Beacon*, September 18, 1919.
- The Savery hotels at Des Moines, by John W. Ball, in the *Des Moines Capital*, September 19, 1919.
- The Harrison flag, in the *Burlington Hawk-Eye*, September 21, 1919.
- Sketch of the life of O. A. Bartholomew, in the *Des Moines Register*, September 21, 1919, and the *Chariton Herald-Patriot*, September 25, 1919.
- Sketch of the life of Theodore P. Shonts, in the *Des Moines Capital*, September 21, 1919.
- The Swedish Evangelical Lutheran Church at Des Moines, in the *Des Moines Register*, September 22, 1919.
- Sketch of the life of A. A. Cooper, in the *Dubuque Herald*, September 23, 1919.
- Sketch of the life of G. G. Rice, in the *Waterloo Courier*, September 23, 1919.
- Story of the Thirty-third Iowa Infantry, in the *Oskaloosa Times*, September 26, 1919.
- Some old settlers of Burlington, in the *Burlington Hawk-Eye*, September 28, 1919.

## HISTORICAL SOCIETIES

### PUBLICATIONS

*High Lights in Ohio Literature*, by Emilius D. Randall, is one of the articles published in the *Ohio Archaeological and Historical Quarterly* for July.

A continuation of Francis B. C. Bradlee's *Some Account of Steam Navigation in New England* is to be found in the July number of the *Historical Collections of the Essex Institute*. There is also a second installment of *Beverly in 1700*, by Sidney Perley.

*Hiram F. Smith, Pioneer*, by William S. Lewis, *Reindeer in Alaska*, by C. L. Andrews, and a continuation of Edmond S. Meany's *Origin of Washington Geographic Names*, are three of the articles which are found in the July issue of *The Washington Historical Quarterly*.

Three papers which appear in the *Journal of The Presbyterian Historical Society* for June are the following: *The First Protestant Creeds of America*, by James I. Good; *Eighteenth Century Presbyterianism in Western Pennsylvania*, by William Wilson McKinney; and *Ye Ancient Pastor's Busy Week*, by Charles E. Corwin.

*The First Assault on Petersburg*, by Edward Wall, is an article which appears in the *Proceedings of the New Jersey Historical Society* for October, 1918.

Publication number twenty-five of the Illinois State Historical Library contains *A List of the Genealogical Works in the Illinois State Historical Library*, compiled by Georgia L. Osborne.

Two monographs — *Reminiscences of the Early Marion County Bar*, by William Watson Woollen, and *The National Road in Indiana*, by Lee Burns — have recently been published in the *Indiana Historical Society Publications*.

A fifth chapter of *The Federal Relations of Oregon*, by Lester

Burrell Shippee, *History of the Narrow Gauge Railroad in the Willamette Valley*, by Leslie M. Scott, and *Beginnings of Christianity in Oregon*, by George H. Himes, are the chief contributions to *The Quarterly of the Oregon Historical Society* for June.

*The Movement for Statehood, 1845-1846*, edited by Milo M. Quaife, appears as volume twenty-six of the *Wisconsin Historical Collections*. An introduction, official documents, and selections from various newspapers throughout the State make up the volume, which contains over five hundred pages.

A supplement to the April number of *The New England Historical and Genealogical Register* contains the *Proceedings of the New England Historic Genealogical Society* for 1919.

Two articles in the July number of the *Rhode Island Historical Society Collections* are the following: *The Tenement on Conimicut*, by Harold R. Curtis, and *The Fifth Cruise of the Privateer Yankee*, by Wilfred H. Munro.

*Sam Houston in Indian Territory* is the title of a brief sketch of the life of this famous pioneer which appears in the July number of *Historia*.

*When and Where Some of the First Ships Were Built in New England*, by Lucy Porter Higgins, *Beginnings of New England*, and a continuation of *Chapters in the History of Halifax, Nova Scotia*, by Arthur Wentworth Hamilton Eaton, are three of the papers in the July issue of *Americana*.

A souvenir booklet of Camp Sherman, Chillicothe, Ohio, has been published by Lambertson Publishing Co. Frank H. Ward is the editor.

The Historical Society of New Mexico has recently published a paper on *Spanish Colonization in New Mexico in The Oñate and De Vargas Periods*, by Ralph E. Twitchell, as number twenty-two of the publications of the Society.

*Shakertown*, by Ella H. Ellwanger; *Kentucky Petroleum: Its History and Present Status*, by W. R. Jillson; and *Kentucky, Mother of United States Senators and Representatives*, by A. C.

Quisenberry, are three of the articles which appear in *The Register of the Kentucky State Historical Society* for September.

Volume seventeen of the *Collections of the Connecticut Historical Society* contains the first installment of *The Fitch Papers: Correspondence and Documents during Thomas Fitch's Governorship of the Colony of Connecticut, 1754-1766*.

Three of the articles which appear in the April number of the *Tennessee Historical Magazine* are: *Henderson and Company's Purchase Within the Limits of Tennessee*, by Sam'l C. Williams; *Some Confusing Statements in Ramsey's "Annals" and Other Historians*, by J. Tyree Fain; and *A Tour in 1807 Down the Cumberland, Ohio and Mississippi Rivers*, by J. R. Bedford.

*The Missouri Historical Review* for July contains the following articles and papers: an installment of *Missouri and the War*, by Floyd C. Shoemaker; *The Missouri Intelligencer*, by E. W. Stephens; *Missourians Abroad — Robert E. Coontz*, by Geo. A. Mahan; *The Lawyer in Missouri One Hundred Years Ago*, by John H. Philips; *Missouri's Centennial*, by Floyd C. Shoemaker; and a continuation of *Early Days on Grand River and the Mormon War*, by Rollin J. Britton.

An address delivered at the centennial celebration of the voyage of the steamship "Savannah", by Alexander R. Lawton, and an *Account of the Loss of the Steamer "Pulaski"*, by Mrs. Hugh McLead, are two of the contributions in the June issue of *The Georgia Historical Quarterly*.

A monograph by Guy Stanton Ford on *America's Fight for Public Opinion* is printed in the *Minnesota History Bulletin* for February. The May number contains a biographical sketch of *William Gates Le Duc*, by Gideon S. Ives, and an article by Herbert C. Varney on *The Birth Notices of a State*.

The *Western Pennsylvania Historical Magazine* for July contains an account of the *Celebration of the One Hundred and Twenty-fifth Anniversary of the Incorporation of Pittsburgh as a Borough*. Addresses were delivered by Charles W. Dahlinger, S. B. McCormick, Harold M. Irons, Thomas A. Dunn, and H. J.

Webster. *Pittsburgh Authors*, by Horace R. Thayer, and *The Frontier Policy of Pennsylvania*, by George Arthur Cribbs, are the articles published in this issue.

*The Ursulines of Louisiana*, by Heloise Hulse Cruzat, *Fray Antonio de Sedella*, by Clarence Wyatt Bishpam, *Jackson Square*, by Henry Renshaw, *The Lost City of Lafayette*, by James A. Renshaw, *Highway Progress in Louisiana*, by C. M. Kerr, and *The Legal Institutions of Louisiana*, by Henry Plauchè Dart, are papers and addresses printed in *The Louisiana Historical Quarterly* for January.

*Texas Annexation Sentiment in Mississippi, 1835-1844*, by James E. Winston, *The Apache in the Southwest, 1846-1886*, by Bertha Blount, *John H. Fonda's Exploration in the Southwest*, by Cardinal Goodwin, *Texas in 1820*, translated by Mattie Austin Hatcher, and the seventh installment of the *Minutes of the Ayuntamiento of San Felipe de Austin, 1828-1832*, edited by Eugene C. Barker, are the chief contributions included in the July issue of *The Southwestern Historical Quarterly*.

*The American Historical Review* for July contains three papers: *The English Benedictines and their Bishops in the Thirteenth Century*, by Alfred H. Sweet; *The Origin of English Political Parties*, by Wilbur C. Abbott; and *The Coalition of Europe against Napoleon*, by Edouard Driault. Three short papers are also included: one by W. A. Dunning on *Disloyalty in Two Wars*; one on the *Historical Work by Army General Staffs*, written by Ralph Van Deman Magoffin; and a third, by John R. M. Taylor, on *The History of the War of 1917*.

*The Nebraska History and Record of Pioneer Days* has become a quarterly publication instead of a monthly as formerly issued. The January-March number contains a list of the Nebraska men who lost their lives during war service. The issue for April-June presents a brief account of *Base Hospital 49* — a Nebraska hospital unit — and a list of its personnel.

*The Ashley River: Its Seats and Settlements*, by Henry A. M. Smith, is one of the articles which appears in the January number of *The South Carolina Historical and Genealogical Magazine*. A

continuation of this article is to be found in the April number, and a closely related account under the title *The Upper Ashley; and the Mutations of Families*, by the same author, appears in the July issue.

The *Annual Report of the American Historical Association* for the year 1916 has been published in two volumes. The usual reports of officers and commissions are included. The papers and articles found in these volumes are, for the most part, devoted to history other than American. Three which relate to the United States are the following: *Historic Ideals in Recent Politics*, by Joseph Schafer; *American Historical Periodicals*, by Augustus H. Shearer; and *Correspondence of Robert M. T. Hunter, 1826-1876*, edited by Charles Henry Ambler.

Among the papers and addresses printed in the *Transactions of the Illinois State Historical Society* for 1918 are the following: *Illinois—The Land of Men*, by Edgar A. Bancroft; *Virginia in the Making of Illinois*, by H. J. Eckenrode; *Illinois in the Democratic Movement of the Century*, by Allen Johnson; *Establishing the American Colonial System in the Old Northwest*, by Elbert Jay Benton; *The Centennial History of Illinois*, by Clarence W. Alvord; *The Interest Indiana Holds in Historic Illinois*, by Charles W. Moores; and *A Hundred Years of Sunday School History in Illinois, 1818-1918*.

The June number of *The Mississippi Valley Historical Review* contains the following contributions: *The Annexation of Texas and the Bluffton Movement in South Carolina*, by Chauncey S. Boucher; *The South and the Arming of the Slaves*, by Thomas Robson Hay; and *Historical Activities in the Old Northwest*, by Arthur C. Cole. *The Proceedings of The Mississippi Valley Historical Association*, for 1917-1918, are printed as an extra number of the *Review* for May. In addition to the various reports, a large number of papers are included, among which are the following: *Six Constitutions of the Far Northwest*, by John D. Hicks; *Popular Sovereignty and the Colonization of Kansas from 1854 to 1860*, by William O. Lynch; *Missouri in the Kansas Struggle*, by Mary J. Klem; *Indiana State Aid for Negro Deportation*, by Henry N. Sherwood; *The Collapse*

*of the Steamboat Traffic Upon the Mississippi: An Inquiry into Causes*, by Paul W. Brown; *The Relation of the County Farm Bureau and the County Agent to the Collection of Local Historical Data Relating to Agriculture*, by W. A. Lloyd; *Geographic Problems in American History*, by H. A. Bone; *The Fight for Public Opinion*, by Thomas F. Moran; *To What Extent Was George Rogers Clark in Possession of the Northwest at the Close of the Revolution?*, by James A. James; *The Spanish Conspiracy in Tennessee*, by Archibald Henderson; *Religious Forces in the United States, 1815-1830*, by Martha L. Edwards; *Andrew Johnson and the Homestead Bill*, by St. George L. Sioussat; *Commercial Intercourse with the Confederacy in the Mississippi Valley, 1861-1865*, by E. Merton Coulter; *Some Relations of the Upper Mississippi Valley with Lake Superior in the Civil War Period*, by Lester Burrell Shippee; *The United States Factory System for Trading with the Indians*, by Royal B. Way; and *Individual Instruction in History*, by Bessie L. Pierce.

#### ACTIVITIES

The American Historical Association will hold its annual meeting at Cleveland, Ohio, December 29-31, 1919. There will be joint sessions with the Mississippi Valley Historical Association and with the Political Science Association, which will meet at Cleveland at the same time.

Superintendents of the State Historical Societies of the Upper Mississippi Valley met at Chicago, October 4, 1919. M. M. Quaife, of Wisconsin, was reelected chairman and Solon J. Buck, of Minnesota, was again chosen to act as secretary. Benjamin F. Shambaugh represented The State Historical Society of Iowa. The work in the archives at Washington under the direction of N. D. Mereness was one of the activities under consideration.

A conference of representatives of various agencies interested in war history was held at Washington, D. C., September 8 and 9, 1919. A tentative organization was effected under the name National Association of State War History Organization. James Sullivan was chosen president and Albert E. McKinley secretary. Plans for the preservation of historical materials and the compilation of war history were considered.

## THE STATE HISTORICAL SOCIETY OF IOWA

John Carl Parish has recently been added to the staff of the Society as associate editor. Dr. Parish is well known through his contributions to Iowa and Mississippi Valley history.

The following persons have recently been elected to membership in the Society: Mr. W. G. C. Bagley, Mason City, Iowa; Mr. Chas. S. Cobb, Logan, Iowa; Mr. Al. Falkenhainer, Algona, Iowa; Mr. Lawrence G. Focht, Eagle Grove, Iowa; Mr. F. E. Frisbee, Sheldon, Iowa; Mr. E. H. Harrison, Sidney, Iowa; Mr. Gershom H. Hill, Des Moines, Iowa; Mr. C. E. Leigh, Cedar Rapids, Iowa; Mr. B. E. Manville, Iowa City, Iowa; Mr. M. B. Nelson, Atlantic, Iowa; Mr. J. S. Rawson, Des Moines, Iowa; Mr. A. M. Schlesinger, Iowa City, Iowa; Mr. Ralph Sherman, Grinnell, Iowa; Mr. James P. Starr, Fairfield, Iowa; Mr. Charles Webster, Waucoma, Iowa; Mr. M. A. Aasgaard, Lake Mills, Iowa; Miss Mary H. Bliss, Iowa Falls, Iowa; Mr. W. T. Doughan, Algona, Iowa; Mr. C. G. Maxwell, Indianola, Iowa; Mr. John Hammill, Britt, Iowa; Mr. C. C. Ries, Iowa City, Iowa; Mr. John J. Hess, Council Bluffs, Iowa; Miss Elsie Golden, Webster City, Iowa; Mr. Forrest B. Spaulding, Des Moines, Iowa; Mr. Chas. L. King, Independence, Iowa; Mr. Clint Adler, Ottumwa, Iowa; Judge Earl Peters, Clarinda, Iowa; Judge Thomas Arthur, Logan, Iowa; Mr. L. R. Buckingham, Estherville, Iowa; Mr. Dwight A. Davis, Iowa City, Iowa; Mr. L. J. Dougherty, Davenport, Iowa; Mr. C. J. Duncan, Cedar Rapids, Iowa; Mr. J. W. Dwyer, West Union, Iowa; Mrs. Geo. A. Elder, De Witt, Iowa; Mr. A. B. Elliott, Whiting, Iowa; Mrs. J. A. Harper, Greenfield, Iowa; Mr. Jas. B. Hawks, Creston, Iowa; Miss Elizabeth Irish, Iowa City, Iowa; Hon. Jno. P. Irish, Oakland, California; Dr. Effie McCollum Jones, Webster City, Iowa; Mr. C. D. Jory, Sheldon, Iowa; Mr. Paul Kempter, Bellevue, Iowa; Mr. A. J. Kolyn, Orange City, Iowa; Mr. Ira H. McIntire, Iowa City, Iowa; Mrs. Luella MacKenzie, Moulton, Iowa; Mr. A. W. McMillen, Sanborn, Iowa; Mrs. Everett Moss, Centerville, Iowa; Mr. I. A. Nichols, Iowa Falls, Iowa; Mrs. H. E. Passig, Humboldt, Iowa; Mr. J. A. S. Pollard, Fort Madison, Iowa; Mr. H. H. Sawyer, Des Moines, Iowa; Mrs. Myra B. Sheuerman, Des Moines, Iowa; Dr. Margaret M. Spence, Marengo, Iowa; and Mr. Homer S. Stephens, Clarinda, Iowa. Dr. Charles F. Noe of Amana, Iowa, has been enrolled as a life member of the Society.



## NOTES AND COMMENT

An old settlers picnic was held at River Junction, June 28, 1919. George Magruder, the president of the association, presided and Claude M. Miller and Alex Miller gave short addresses.

The annual reunion of the old settlers of Webster County was held at Fort Dodge, July 15, 1919. Mr. A. W. Mericle who first came to Fort Dodge in 1849 was the oldest resident of the county present.

Morgan Keaton has been selected as the editor of the war history of Dallas County.

The Old Settlers' Association of Crawford County met at Denison, August 28, 1919. C. P. Harvey was elected president, L. T. Dunham vice president, and N. L. Hunt secretary.

The annual meeting of the Iowa Society of the Daughters of the American Revolution was held at Des Moines, September 23, 1919.

The thirty-fifth annual meeting of the Harrison County pioneers was held at Logan, August 28, 1919. A list of the pioneers who had died the previous year was read by J. F. McDowell. Frank A. Turner gave a brief address. The officers chosen for the ensuing year were: F. H. Cadwell, president; N. S. Lawrence, vice president; A. M. Fyrando, secretary; and H. N. Frazier, treasurer.

T. D. Eulirs is the publisher of the Buena Vista County War History. J. E. Morcombe is in charge of the editorial work.

An historical room has been opened in the Cherokee Public Library in which articles of historical interest are to be displayed.

Pioneers of Dallas and Guthrie counties held their thirty-second annual reunion at Redfield, August 6 and 7, 1919.

The collection of material for the war history of Calhoun County has been completed. Allan Deyoe is in charge of the work which will cover Red Cross work, Liberty Loan drives, and similar activities, as well as military records.

The Tama County Old Settlers Association met at Toledo, September 6, 1919. T. D. Crites gave an address on "The Mission of the Pioneer". At the election of officers C. J. Wonser was chosen president, W. S. Gallagher vice president, and C. E. Davis secretary and treasurer.

The Story County Veterans Association held its annual reunion at Nevada, August 7 and 8, 1919. Nathan E. Kendall delivered the chief address.

A complete war history of Carroll County is to be prepared under the supervision of Henry A. Claussen.

Members of the G. A. R. of Jackson County held their thirty-first reunion at Maquoketa, August 13 and 14, 1919. Hon. R. G. Cousins delivered the principal address, his subject being the "Cost of a Flag".

The thirtieth annual reunion of the Third Iowa Cavalry was held at Knoxville, September 17 and 18, 1919.

Forty-two new members were added to the roll of the Old Settlers Association of Scott County at its annual reunion at Davenport, August 12, 1919. The total membership is now four hundred and thirty-nine.

The Thirty-third Iowa Infantry held its seventeenth biennial reunion at Oskaloosa, September 24-26, 1919.

Harper Anderson of Company E, 168th United States Infantry, is preparing a history of that company.

The Hawkeye Natives held their fourteenth anniversary celebration at Burlington, September 1, 1919. S. K. Tracy and Frank C. Norton were the speakers.

The old settlers of Clay and Palo Alto counties held their ninth annual picnic at Ruthven, August 15, 1919.

The Early Settlers Association of Polk County met at Altoona, September 4, 1919. J. D. Williams was reelected president. Judge W. H. McHenry was one of the speakers.

The Mesquakie Indians at Tama held their annual powwow,

August 7-10, 1919. Edgar R. Harlan explained the various dances and festivities to the visitors.

A collection of war relics belonging to the late Edwin F. Barnum who died in service was donated to the Historical Department of Iowa by Mr. and Mrs. E. B. Barnum, the parents of the young soldier.

The old settlers and pioneers of Clinton County met at Clinton August 28, 1919, for their annual picnic. W. J. Shadduck was chosen president of the association, Henry Childs vice president, and L. F. Sutton secretary.

The Academy of Science and Letters of Sioux City has moved its collection of historical relics, Indian curios, and geological specimens to the public library where they will be more accessible to the public. A course of lectures at the library is also proposed. This association was first organized on December 30, 1885, as the Sioux City Scientific Association and was reorganized under the present name in October, 1903.

Old soldiers of Butler County held their reunion at Allison, August 6, 1919. This is the first meeting of veterans since the thirty-third annual reunion of the Butler County Veteran Association was held at Shell Rock in 1913.

The twenty-ninth annual meeting of the Iowa Library Association was held at Waterloo, October 7-9, 1919. The following officers were elected for the ensuing year: Maria C. Brace, Waterloo, president; Anna S. Duncan, Cedar Falls, vice president; Paula Beuck, Davenport, second vice president; Eleanor Fawcett, Des Moines, secretary; Gentiliska Winterrowd, Des Moines, treasurer; and Cora Hendee, Council Bluffs, registrar.

#### THEODORE P. SHONTS

Theodore P. Shonts, formerly president of the Interborough Rapid Transit Company, who died at New York, September 21, 1919, began his business career in Iowa. He was born in Crawford County, Pennsylvania, May 5, 1856, and came to Iowa when a boy. After completing his college course he became an accountant and

was employed by the Iowa national banks to simplify and standardize their bookkeeping. Later he studied law and began the practice of that profession at Centerville, but soon became interested in railroad administration and railroad building. Under his management the Iowa Central Railroad and the Missouri, Iowa, and Nebraska Railroad were constructed. Mr. Shonts was also connected with many other transportation companies and in 1905 President Roosevelt appointed him chairman of the Isthmian Canal Commission. In 1882 Mr. Shonts married Harriet Amelia Drake, a daughter of John F. Drake, a former governor of Iowa.

#### TACITUS HUSSEY

Tacitus Hussey, Iowa pioneer, poet, and philosopher, died at Des Moines, August 9, 1919. Mr. Hussey was born in Terre Haute, Indiana, in 1832, and in 1855 came to Des Moines where he became a partner in a printing and book-binding firm. He is the author of *The River Bend and Other Poems*, *History of Steamboating on the Des Moines River*, and the *History of the Central Presbyterian Church*. Among his best known poems are *The Old Flag*; *My Country, Oh, My Country*; and *Iowa, Beautiful Land*. A book of reminiscences is now in press.

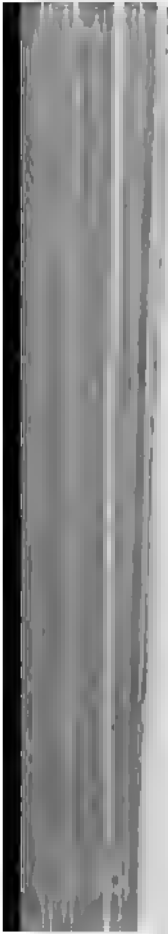
#### HEMAN C. SMITH

Heman C. Smith, general historian of the Lamoni branch of Latter Day Saints and editor of the *Journal of History*, died at Independence, Missouri, April 17, 1919. He was born in Gillespie County, Texas, on September 27, 1850, and came to Iowa in 1861. Mr. Smith was interested in history and was considered an authority on the factions in Mormonism and on the old Mormon trails. *A Church History*, in four volumes, *The True Succession in Church Presidency*, and *Truth Defended* are among his historical works. With J. M. Howell, he was joint author of a two volume *History of Decatur County, Iowa*. He was also a contributor to various historical publications and was a member of The State Historical Society of Iowa.

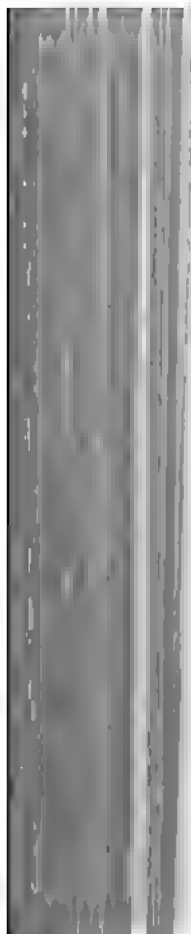
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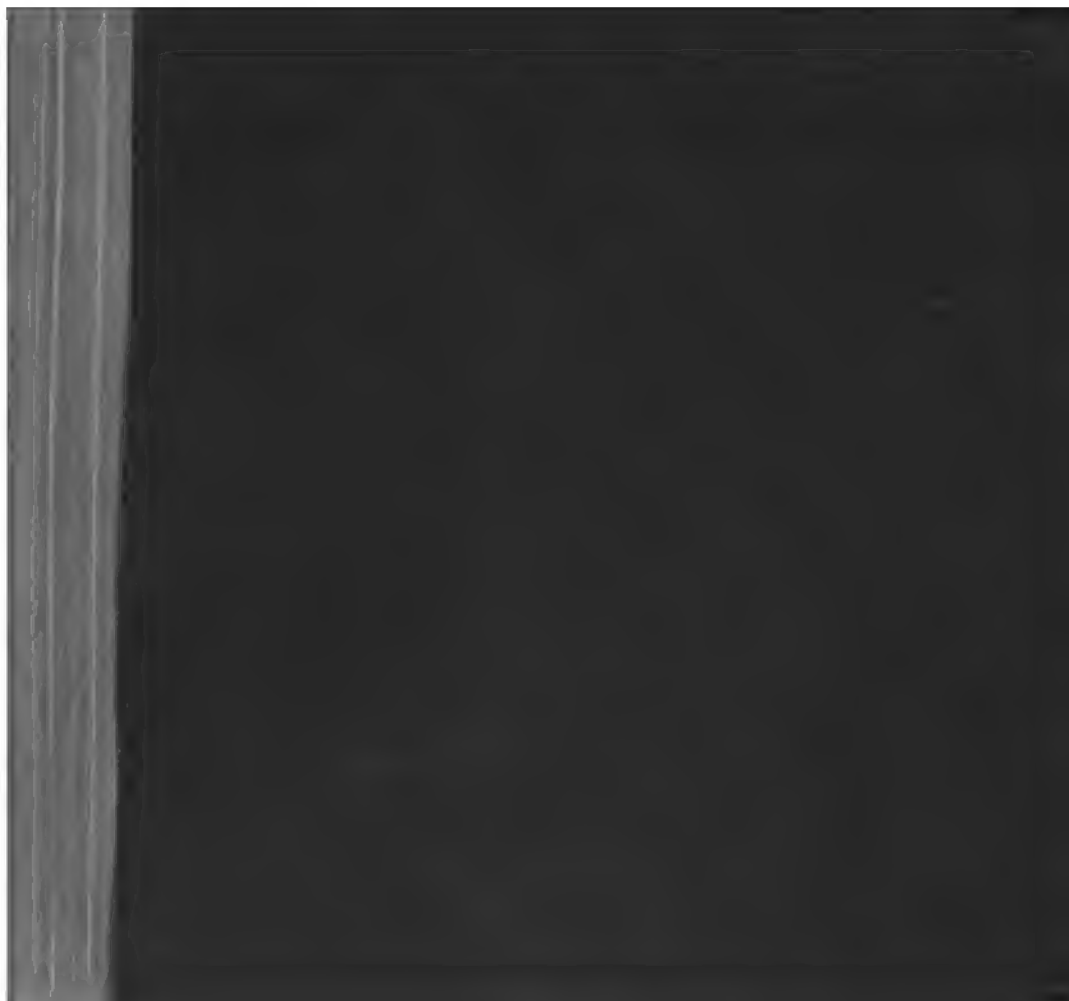
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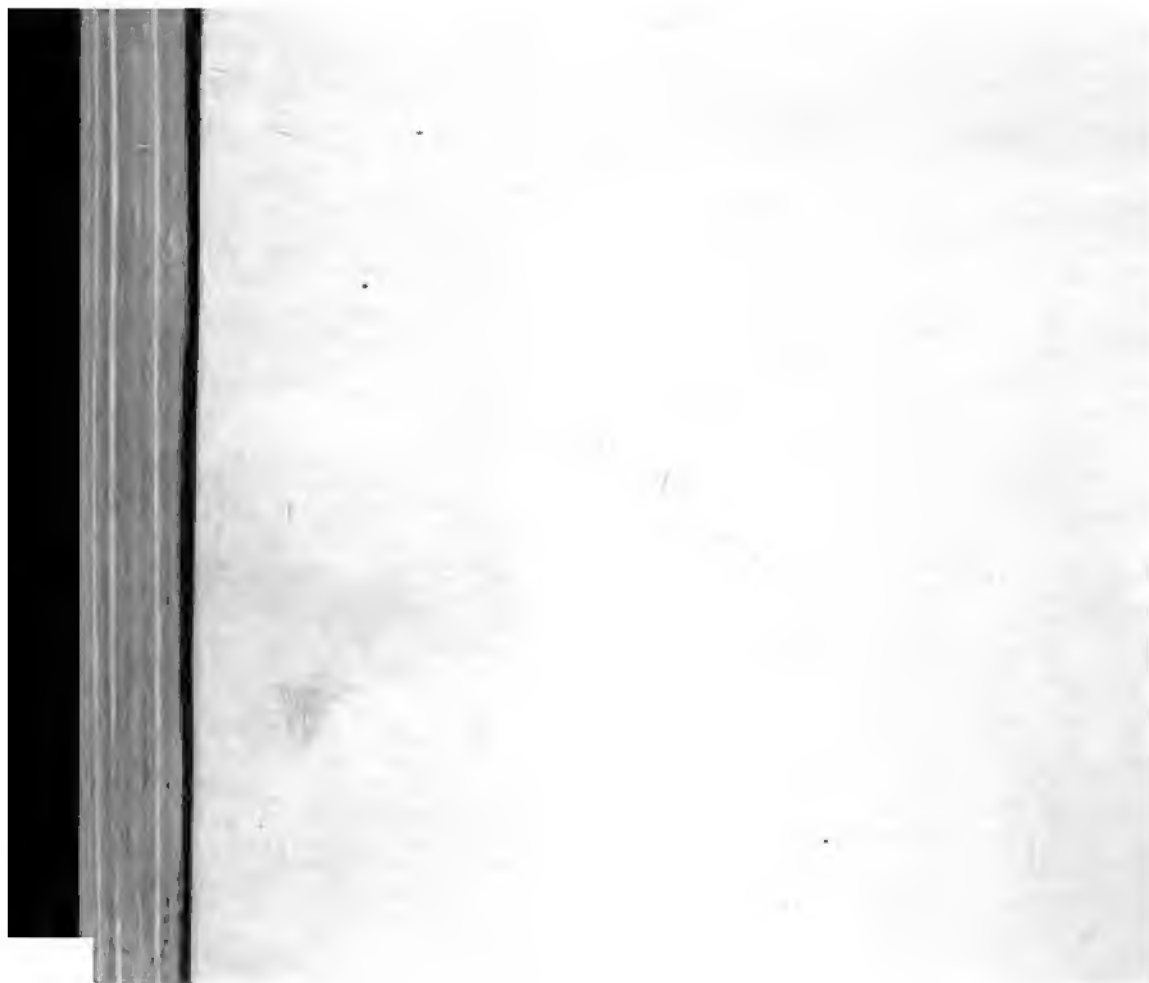
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